

# Music Teacher Evaluation in Michigan

Oakland Intermediate School District

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Ohio State Normal College Music Class, 1911

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House Bill 4625 (as enacted)  
House Bill 4626 (as enacted)  
House Bills 4627 and 4628 (as enacted)  
Sponsor: Representative Bill Rogers (H.B. 4625)  
Representative Paul Scott (H.B. 4626)  
Representative Margaret O'Brien (H.B. 4627)  
Representative Ken Yonker (H.B. 4628)  
House Committee: Education  
Senate Committee: Education

**PUBLIC ACT 101 of 2011**  
**PUBLIC ACT 100 of 2011**  
**PUBLIC ACTS 102 & 103 of 2011**

Date Completed: 7-29-11

### **CONTENT**

**House Bill 4625** amended the teachers' tenure law to do the following:

- Specify that a probationary teacher rated as effective or highly effective is not subject to displacement by a tenured teacher solely because the other teacher is on continuing tenure.
- Increase the probationary period from four full school years to five, except for a teacher who has been rated as highly effective on three consecutive year-end evaluations.
- Require a probationary teacher to be notified at least 15 days, rather than 60, before the end of a school year that his or her services will be discontinued.
- Allow a probationary teacher to be dismissed at any time.
- Require a controlling board to determine the number and format of classroom observations for probationary teachers and teachers on continuing tenure.
- Shorten deadlines in the tenure hearing process.

The bill also repealed a section that required a laid-off tenured teacher to be hired for the first vacancy in the school district for which he or she was

qualified, for three years after the lay-off.

**House Bill 4626** amended the teachers' tenure law to:

- Allow a teacher on continuing tenure to be dismissed or demoted for a reason that is not arbitrary and capricious, rather than for reasonable and just cause.
- Revise the definition of "demote".
- Allow a controlling board to place a suspended teacher's salary in escrow if criminal charges have been filed.
- Require a teacher to verify his or her ability to perform essential job functions after being placed on unrequested leave for physical or mental disability.

**House Bill 4627** amended the Revised School Code to specify provisions that must apply to personnel decisions concerning teachers when a school district or intermediate school district (ISD) conducts a staffing or program reduction or otherwise makes a personnel determination resulting in the elimination of a position, conducts a recall from a reduction, or hires after a reduction. Under these provisions:

- A school board may not adopt a policy providing that length of service or tenure status is the primary or determining factor when eliminating a position.
- A board must ensure that a district bases decisions on retaining effective teachers, measured by the evaluation system required under the Code.
- Individual performance must be the major factor in decision-making.
- Length of service or tenure status may not be a factor unless all of the factors concerning two or more employees are equal.

In addition, the bill does the following:

- Establishes requirements for the teacher evaluation system, including an annual year-end evaluation and a mid-year progress report, beginning with the 2013-2014 school year.
- Requires a teacher to be dismissed if he or she is rated as ineffective on three consecutive year-end evaluations.
- Establishes requirements for the evaluation of school administrators.
- Allows a nonprobationary teacher who is rated as ineffective on a year-end evaluation to request a review of the rating by the district superintendent.
- Requires the dismissal of an administrator who is rated as ineffective on three consecutive year-end evaluations, if the same evaluation tool and system are used in the three evaluations.
- Specifies classroom observation requirements.
- Requires teachers' and administrators' year-end evaluations to be based at least 25% on student growth and assessment data in 2013-2014, 40% in 2014-2015, and 50% beginning in 2015-2016.
- Exempts a district from the teacher and administrator evaluation requirements for a public school if the district is already using a performance evaluation system that meets certain criteria, or if it adopts an evaluation system that is identical to that of an exempt school.

- Creates the Governor's Council on Educator Effectiveness.
- Requires the Council, by April 30, 2012, to submit a report that recommends a student growth and assessment tool, State evaluation tools for teachers and administrators, and parameters for effectiveness rating categories.
- Specifies a legislative intent to enact legislation to put in place a statewide performance evaluation system taking into account the Council's recommendations.
- Requires notification to parents if pupils are assigned to teachers whose last two year-end ratings were ineffective, beginning in 2015-2016.

House Bill 4628 amended the public employment relations Act to prohibit decisions about the following subjects from being included in collective bargaining between a public school employer and a representative of its employees:

- Teacher placement.
- Policies for personnel decisions made when an employer eliminates a position, or recalls or hires after a position has been eliminated.
- An employer's performance evaluation system.
- A policy for discharging or disciplining employees subject to the tenure law, and the discharge or discipline of an individual employee.
- Classroom observation.
- A performance-based method of compensation.
- Parental notification of ineffective teachers.

All of the bills took effect on July 19, 2011, and were tie-barred to each other.

#### House Bill 4625

##### Probationary Teachers

Probationary Period; Dismissal. Previously, under the teachers' tenure law, a teacher typically was in a probationary period during his or her first four full school years of employment.

The bill increased the probationary period to five full school years, except as provided below for a teacher rated highly effective on three consecutive year-end evaluations. A teacher under contract but not on continuing tenure as of the bill's effective date will be in a probationary period during his or her first four, rather than two, full school years of employment, subject to the same exception.

Previously, at least 60 days before the end of each school year, the controlling board had to give a probationary teacher a definite written statement as to whether his or her work was satisfactory. Failure to do so was considered conclusive evidence that the teacher's work was satisfactory. A probationary teacher or a teacher not on continuing contract had to be employed for the next year unless notified in writing at least 60 days before the end of the school year that his or her services would be discontinued.

The bill, instead, requires a controlling board to give a probationary teacher a statement as to whether his or her work has been effective, before the end of the school year. Subject to the following provision, a probationary teacher or a teacher not on a continuing contract must be employed for the next year unless given written notice at least 15 days before the end of the school year that his or her services will be discontinued.

The bill provides that a teacher who is in a probationary period may be dismissed from his or her employment by the controlling board at any time.

(The tenure law defines "controlling board" as all boards having management or control over public school districts and public educational institutions other than public school academies.)

Displacement. Under the bill, a probationary teacher who is rated as effective or highly effective on his or her most recent annual year-end performance evaluation is not subject to being displaced by a teacher on continuing tenure solely because the other teacher has continuing tenure.

Performance Evaluations. The bill requires the controlling board of a probationary teacher's employing school district to ensure

that the teacher is provided with an individualized development plan, and that the teacher is provided with at least an annual year-end performance evaluation during his or her probationary period. Previously, the tenure law required these actions to be taken if the teacher was employed by a school district for at least one full school year.

Previously, the year-end evaluation had to be based on at least two classroom observations held at least 60 days apart, unless the teacher and the administration agreed to a shorter interval. The bill requires that the year-end evaluation be based on classroom observations, and requires the controlling board to determine the format and number of the classroom observations in consultation with teachers and school administrators. A performance evaluation must be conducted according to Section 1249 of the Revised School Code.

(Section 1249 requires the board of a school district, ISD, or public school academy to adopt and implement for all teachers and administrators a performance evaluation system. House Bill 4627 amended this section, as described below.)

Rating. Under the bill, a teacher may not be considered to have successfully completed the probationary period unless he or she has been rated as effective or highly effective on his or her three most recent annual year-end performance evaluations under Section 1249, and has completed at least five full school years of employment in a probationary period.

If a teacher has been rated as highly effective on three consecutive year-end evaluations and has completed at least four full school years of employment in a probationary period, however, he or she must be considered to have successfully completed the probationary period.

#### Continuing Tenure

Employment. Under the teachers' tenure law, after satisfactory completion of the probationary period, a teacher must be employed continuously by the controlling board under which the probation was completed and may not be dismissed or demoted except as specified in the law.

Under the bill, the teacher is considered to be on continuing tenure, and continuing tenure is held only as provided in the tenure law.

Evaluations. The tenure law previously required the controlling board of a school district employing a teacher on continuing tenure to ensure that he or she was provided with a performance evaluation at least once every three years, and required the evaluation to be based on at least two classroom observations. Under the bill, the teacher must be provided with an annual year-end performance evaluation in accordance with Section 1249 of the Revised School Code, based on multiple classroom evaluations.

The bill requires a district to provide a teacher with an individualized development plan (IDP) if the teacher has received a rating of ineffective or minimally effective (rather than a less-than-satisfactory evaluation). The plan must require the teacher to make progress toward individual development goals within a specified time period, not to exceed 180 days.

The controlling board must determine the format and number of the classroom observations in consultation with teachers and school administrators.

Laid-Off Teacher. Previously, for three years after a tenured teacher's services were terminated because of a necessary reduction in personnel, the teacher had to be appointed to the first vacancy in the district for which he or she was certificated and qualified. The bill repealed the section containing this requirement (MCL 38.105).

#### Appeal to Tenure Commission

The tenure law prescribes procedure for filing charges against a teacher on continuing tenure. The teacher may protest the decision of a controlling board to proceed upon the charges, by filing a claim of appeal with the Tenure Commission. An administrative hearing then must be held.

Previously, the hearing date had to be within 60 days after the controlling board's answer to the claim of appeal was served, unless the Commission granted a delay for good cause, and the hearing had to be concluded

within 90 days after the claim of appeal was filed. Under the bill, the hearing date must be within 45 days after service of the board's answer, and the hearing must be concluded within 75 days after the claim of appeal was filed.

#### **House Bill 4626**

#### Arbitrary & Capricious Standard; "Demote"

Previously, except as otherwise provided, a teacher on continuing tenure could be discharged or demoted only for reasonable and just cause. Under the bill, instead, a teacher on continuing tenure may be discharged or demoted only for a reason that is not arbitrary and capricious.

The tenure law previously defined "demote" as to reduce compensation for a particular school year by more than an amount equivalent to three days' compensation or to transfer to a position with a lower salary. The bill defines "demote" as to suspend without pay for 15 or more consecutive days or reduce compensation for a particular school year by more than an amount equivalent to 30 days' compensation, or to transfer to a position with a lower salary.

As before, the term does not include discontinuance of salary under provisions allowing the suspension of a teacher against whom charges have been filed. Also, under the bill, the term does not include a necessary reduction in personnel, including a reduction in workweeks or workdays, or the discontinuance or reduction of performance-based compensation paid pursuant to Section 1250 of the Revised School Code.

(Section 1250 requires school districts and ISDs to implement a method of compensation for teachers and administrators that includes job performance and accomplishments as a significant factor in determining compensation.)

#### Suspension

When charges are filed against a teacher, the tenure law allows the controlling board to suspend the teacher from active performance of duty. The teacher's salary must continue during the suspension.

## **House Bill 4627**

### Personnel Decisions - Teachers

The bill added Section 1248 to the Revised School Code, as described below.

For teachers, as defined in the teachers' tenure law, all of the following provisions apply to policies regarding personnel decisions when a school district or ISD conducts a staffing or program reduction or any other personnel determination resulting in the elimination of a position, or hires or conducts a recall from a staffing or program reduction or any other personnel determination resulting in the elimination of a position. (The teachers' tenure law defines "teacher" as a certificated individual employed for a full school year by any board of education or controlling board.)

The board may not adopt, implement, maintain, or comply with a policy that provides that length of service or tenure status is the primary or determining factor in personnel decisions when taking any of the actions described above.

The board must ensure that the district or ISD adopts, implements, maintains, and complies with a policy providing that all such personnel decisions are based on retaining effective teachers. The policy must ensure that a teacher who has been rated as ineffective under the performance evaluation system under Section 1249 is not given any preference that would result in the teacher's being retained over a teacher who is evaluated as minimally effective, effective, or highly effective. Effectiveness must be measured by the performance evaluation system under Section 1249.

The personnel decisions must be based on individual performance; significant, relevant accomplishments and contributions; and relevant special training. Individual performance must be the majority factor in the decision, and must consist of at least the following:

- Evidence of student growth, which must be the predominant factor in assessing an employee's individual performance.
- The teacher's demonstrated pedagogical skills.

Under the bill, the controlling board may place the teacher's salary in an escrow account during the suspension, if criminal charges have been filed against the teacher. Before doing so, the controlling board must give the teacher notice of the charges, an explanation of the employer's evidence, and an opportunity for the teacher to respond, in writing or in person. Health or life insurance benefits, or both, may be continued during the suspension at the option of the controlling board.

If the administrative law judge issues a preliminary decision and order to reinstate the teacher or for payment of salary lost by the teacher during the suspension, the controlling board must release the escrowed money to the teacher to the extent necessary to effectuate the order.

If the teacher fails to timely contest the decision to proceed upon the charges or if the administrative law judge issues a preliminary decision and order discharging or demoting the teacher, the controlling board will be entitled to the money in the escrow account.

(The tenure law requires an administrative law judge, within 60 days after a case is submitted for decision, to serve on each party a preliminary decision and order. The preliminary decision and order must grant, deny, or modify the discharge or demotion specified in the charges.)

### Leave of Absence

The tenure law authorizes a controlling board to place a teacher on a leave of absence upon the teacher's request. A board also may place a teacher on an unrequested leave of absence for up to one year because of physical or mental disability.

Under the bill, an unrequested leave of absence is subject to renewal at the will of the controlling board. As a condition of reinstating the teacher when the leave expires, the controlling board may require the teacher to furnish verification acceptable to the board of the teacher's ability to perform his or her essential job functions.

- The teacher's management of the classroom, manner and efficacy of disciplining pupils, rapport with parents and other teachers, and ability to withstand the strain of teaching.
- The teacher's attendance and disciplinary record, if any.

Length of service or tenure status may not be a factor in the personnel decisions described above. If a personnel decision involves two or more employees and all other factors distinguishing them from each other are equal, however, then length of service or tenure status may be considered as a tie-breaker.

If a collective bargaining agreement was in effect for employees of a district on the bill's effective date and prevents compliance with these requirements, the requirements will not apply to that district until the agreement expires.

If a teacher brings an action against a school district or ISD based on Section 1248, his or her sole and exclusive remedy will be an order of reinstatement beginning 30 days after a court decision. The remedy may not include lost wages, lost benefits, or any other economic damages.

#### Performance Evaluation System

The bill amended Section 1249 of the Code, as described below.

Teacher Effectiveness Rating. The performance evaluation system required by Section 1249 must evaluate the person's job performance at least annually, using multiple rating categories that take into account data on student growth as a significant factor. The system must use the evaluations to inform decisions regarding effectiveness; promotion, retention, and development; whether to grant tenure or full certification; and removing ineffective tenured and untenured teachers and administrators.

Under the bill, if the performance evaluation system implemented by a school district, ISD, or public school academy (PSA) does not already include the rating of teachers as highly effective, effective, minimally effective, and ineffective, then the district or PSA must revise the system within 60 days

after the bill's effective date, to ensure that it rates teachers in that manner.

Teacher Evaluation & Progress Report. Under the bill, beginning with the 2013-2014 school year, the board of a school district, ISD, or PSA must ensure that the performance evaluation system for teachers meets all of the following requirements.

The system must include at least an annual year-end evaluation for all teachers. Student growth and assessment data must be the basis of at least 25% of the annual year-end evaluation for the 2013-2014 school year, at least 40% for the 2014-2015 school year, and at least 50% beginning with the 2015-2016 school year. All student growth and assessment data must be measured using the student growth assessment tool required in legislation based on recommendations of the Governor's Council on Educator Effectiveness.

If student growth and assessment data are available for a teacher for at least three school years, the annual year-end evaluation must be based on those data for the most recent three-consecutive-school-year period. Otherwise, the evaluation must be based on all student growth and assessment data available for the teacher.

The annual year-end evaluation must include specific performance goals that will assist in improving effectiveness for the next school year. The goals must be developed by the school administrator or his or her designee conducting the evaluation, in consultation with the teacher. The evaluation also must include any recommended training identified by the school administrator or designee, in consultation with the teacher, that will assist him or her in meeting the goals. For a teacher who is in the first year of probation or who received a rating of minimally effective or ineffective on his or her last evaluation, the school administrator or designee, in consultation with the teacher, must develop an IDP that includes these goals and training and is designed to assist the teacher to improve his or her effectiveness.

Also, the performance evaluation system must include an additional mid-year progress report for a teacher who is in the

first year of probation or who received a rating of minimally effective or ineffective on his or her most recent annual evaluation. The mid-year progress report must be used as a supplemental tool to gauge the teacher's improvement from the preceding school year and to assist the teacher to improve. The mid-year progress report must be based at least in part on student achievement and be aligned with the teacher's IDP, and may not take the place of an annual year-end evaluation. The progress report also must include specific performance goals for the remainder of the school year that are developed by the school administrator conducting the evaluation or his or her designee. The administrator or designee, in consultation with the teacher, must develop a written improvement plan that includes these goals and training and that is designed to assist the teacher to improve his or her rating.

In addition, the performance evaluation system must include classroom observations to assist in the evaluations. A classroom observation must include a review of the teacher's lesson plan and the State curriculum standard being used in the lesson, and a review of pupil engagement in the lesson. An observation need not be for an entire class period. Unless a teacher has received a rating of effective or highly effective on his or her two most recent annual year-end evaluations, there must be multiple classroom observations of the teacher each school year.

For the purpose of conducting annual year-end evaluations, a school district, ISD, or PSA must adopt and implement the State evaluation tool for teachers required by legislation based on recommendations of the Governor's Council on Educator Effectiveness. If a district or PSA has a local evaluation tool for teachers that is consistent with the State tool, however, the district or PSA may use the local tool.

The performance evaluation system must assign an effectiveness rating to each teacher of highly effective, effective, minimally effective, or ineffective, based on his or her score on the annual year-end evaluation.

As part of the performance evaluation system, a school district, ISD, or PSA is

encouraged to assign a mentor or coach to each teacher who is in the first year of probation or who received a rating of minimally effective or ineffective on his or her last annual evaluation.

The performance evaluation system may allow for exemption of student growth data for a particular pupil for a school year upon the recommendation of the school administrator conducting the annual year-end evaluation or his or her designee, and approval of the school district superintendent, the intermediate superintendent, or the chief administrator of the PSA, or that person's designee.

The performance evaluation system must provide that, if a teacher who is not in a probationary period prescribed by the teachers' tenure law, is rated as ineffective on an annual year-end evaluation, he or she may request a review of the evaluation and the rating by the school district superintendent, intermediate superintendent, or PSA chief administrator. The request must be submitted in writing within 20 days after the teacher is informed of the rating. Upon receiving the request, the superintendent or chief administrator must review the evaluation and rating and may make any modifications as appropriate based on his or her review. The performance evaluation system may not allow for a review more than twice in a three-school-year period.

Evaluation of Administrators. The bill requires the board of a school district, ISD, or PSA, beginning with the 2013-2014 school year, to ensure that the performance evaluation system for building-level school administrators and for central office-level school administrators who are regularly involved in instructional matters, meets all of the requirements described below.

The performance evaluation system must include at least an annual year-end evaluation by the district or ISD superintendent or his or her designee, or the chief administrator of the PSA. A superintendent or chief administrator must be evaluated by the board of the district or board of directors of the PSA.

Student growth and assessment data must be the basis of at least 25% of the annual

year-end evaluation for the 2013-2014 school year, at least 40% for the 2014-2015 school year, and at least 50% beginning with the 2015-2016 school year. The data to be used for the administrator year-end evaluation are the aggregate student growth and assessment data used in teacher evaluations in each school in which the administrator works as an administrator or, for a central office-level administrator, for the entire school district or ISD.

The portion of the evaluation that is not based on student growth and assessment data must be based on the following for each school in which the administrator works as an administrator or, for a central office-level administrator, for the entire district or ISD:

- The administrator's, or his or her designee's (if the designee conducts teacher evaluations), training and proficiency in using the teacher evaluation tool, including a random sampling of his or her teacher evaluations.
- The progress made by the school or school district in meeting the goals set forth in its school improvement plan or plans.
- Pupil attendance in the school or school district.
- Student, parent, and teacher feedback, and other information considered pertinent by the superintendent or other school administrator conducting the evaluation or the board or board of directors.

The district, ISD, or PSA must adopt and implement the State evaluation tool for school administrators required by legislation based on recommendations of the Governor's Council on Educator Effectiveness. A district, ISD, or PSA may use a local evaluation tool for school administrators, however, if it is consistent with the State tool.

The performance evaluation system must assign an effectiveness rating to each school administrator of highly effective, effective, minimally effective, or ineffective, based on his or her score on the evaluation tool.

The evaluation system must ensure that if a school administrator is rated as minimally

effective or ineffective, the person conducting the evaluation will develop and require the administrator to implement an improvement plan to correct the deficiencies. The plan must recommend professional development opportunities and other measures designed to improve the administrator's rating on his or her next annual year-end evaluation.

Mandatory Dismissal. The performance evaluation systems for teachers and administrators must provide that, if a teacher or administrator is rated as ineffective on three consecutive annual year-end evaluations, the school district, ISD, or PSA will dismiss the teacher or administrator from his or her employment. These provisions do not affect the ability of a school district, ISD, or PSA to dismiss an ineffective teacher or administrator regardless of whether he or she is rated as ineffective on three consecutive annual year-end evaluations.

The requirement to dismiss an administrator applies only if the three evaluations are conducted using the same evaluation tool and under the same performance evaluation system.

Biennial Evaluations. The performance evaluation systems for teachers and administrators must provide that, if a teacher or administrator is rated as highly effective on three consecutive annual year-end evaluations, the school district, ISD, or PSA may choose to conduct a year-end evaluation biennially instead of annually. If a teacher or administrator is not rated as highly effective on one of those biennial evaluations, however, he or she must again be evaluated annually.

Governor's Council. The bill creates the Governor's Council on Educator Effectiveness as a temporary commission. The Council is to consist of the following voting members:

- Three members appointed by the Governor.
- One member appointed by the Senate Majority Leader.
- One member appointed by the Speaker of the House of Representatives.

In addition, the Superintendent of Public Instruction or his or her designee must serve as a nonvoting member.

The appointed members, as well as the Superintendent's designee if one is appointed, must have expertise in one or more of the following areas: psychometrics, measurement, performance-based educator evaluation models, educator effectiveness, or development of educator evaluation frameworks in other states. By October 31, 2011, the Council must contract with one or more additional experts in those areas, as it considers necessary.

The Governor must appoint an advisory committee for the Council to provide input on its recommendations. The advisory committee must consist of public school teachers, public school administrators, and parents of public school pupils.

The Governor's office must provide staffing and support for the Council.

By April 30, 2012, the Council must submit a report to the State Board of Education, the Governor, and the Legislature. The report must identify and recommend all of the following, and include recommendations on evaluation processes and other matters related to the purposes of Section 1249:

- A student growth and assessment tool.
- A State evaluation tool for teachers.
- A State evaluation tool for school administrators.
- Parameters for the effectiveness rating categories for teachers and administrators.
- A process for evaluating and approving local evaluation tools for teachers and administrators.

The Council's report also must recommend changes to be made in the requirements for a professional education teaching certificate that will ensure that a teacher is not required to complete additional postsecondary credit hours beyond those required for a provisional teaching certificate.

The recommended student growth and assessment tool must be a value-added model that takes into account student achievement and assessment data, and is

based on an assessment tool that has been determined to be reliable and valid for the purposes of measuring value-added data. The tool also must meet the following:

- Measure student growth in the core subject areas of math, science, English language arts, and social science, as well as other subject areas.
- Comply with all current State and Federal law for students with a disability.
- Have at least a pre- and post-test.
- Be able to be used for pupils of all achievement levels.

The recommended State evaluation tool for teachers may include, in addition to the student growth and assessment tool, instructional leadership abilities, teacher and pupil attendance, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and pupil and parent feedback. The Council must ensure that the tool will allow all special education teachers to be rated. The Council also must seek input from school districts, ISDs, and PSAs that already have developed and implemented successful, effective performance evaluation systems.

The recommended State evaluation tool for school administrators may include, in addition to the student growth and assessment tool, teacher and pupil attendance, graduation rates, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and pupil and parent feedback.

The bill states the following: "It is the intent of the legislature to review the report submitted by the governor's council on educator effectiveness...and to enact appropriate legislation to put into place a statewide performance evaluation system taking into consideration the recommendations contained in the report."

Exemptions from Evaluation Requirements. If all of the following provisions apply for a public school operated by a school district, ISD, or PSA, the district or PSA is not required to comply with the new performance evaluation requirements for that school.

As of the bill's effective date, the district or PSA must already have implemented and be currently using for that school a performance evaluation system that meets all of the following requirements:

- The most significant portion of a teacher's or school administrator's evaluation is based on student growth and assessment data, which may include value-added measures.
- The system uses research-based measures to determine student growth, which may be measured by standards-based, nationally normed assessments.
- The system determines professional competence through multiple direct observations of classroom practices and professional practices throughout the school year.
- Teacher effectiveness and ratings, as measured by student achievement and growth data, are factored into teacher retention, promotion, and termination decisions.
- Teacher and administrator performance evaluation results are used to inform teacher professional development for the next year.
- The system ensures that teachers and administrators are evaluated at least annually.

The school district, ISD, or PSA must notify the Governor's Council on Educator Effectiveness by November 1, 2011, that it is exempt under these provisions.

In addition, if a school district, ISD, or PSA begins operating a new public school, or implements a new performance evaluation system for a public school it operates, after the bill's effective date, the district or PSA is not required to comply with the new performance evaluation requirements for that school if the evaluation system adopted and implemented for that school is identical to the evaluation system of a public school that is exempt as described above.

In either case, the school district, ISD, or PSA must post a description of the evaluation system on its website.

#### Notice of Ineffective Teacher

The bill added Section 1249a to provide that, beginning in 2015-2016, if a pupil is

assigned to be taught by a teacher who has been rated as ineffective on his or her two most recent annual year-end evaluations under Section 1249, the board of the school district, ISD, or PSA where the pupil is enrolled must give his or her parent or legal guardian written notification that the pupil has been assigned to that teacher. The notification must identify the teacher and be delivered by July 15 immediately before the beginning of the school year.

#### **House Bill 4628**

The public employment relations Act prohibits collective bargaining between a public school employer and a bargaining representative of its employees from including any of the subjects identified in the Act. Under the bill, prohibited subjects of bargaining also include decisions about the subjects described below, as well as the impact of those decisions on an individual employee or the bargaining unit.

The additional prohibited subjects include any decision made by the public school employer regarding the placement of teachers.

The prohibited subjects also include decisions about the development, content, standards, procedures, adoption, and implementation of the following:

- The employer's policies regarding personnel decisions when conducting a reduction in force or a recall from a reduction in force or in hiring after a reduction in force or any other personnel determination resulting in the elimination of a position as provided in Section 1248 of the Revised School Code, and any decision made by the employer pursuant to those policies.
- The employer's performance evaluation system adopted under Section 1249 of the Code, and decisions concerning the content of a performance evaluation of an employee under those provisions of law.

For public employees whose employment is regulated by the teachers' tenure law, newly prohibited subjects of bargaining include decisions about the development, content, standards, procedures, adoption, and implementation of a policy regarding

employee discharge or discipline, and decisions about the discharge or discipline of an individual employee. Also, for those employees, a public school employer may not adopt, implement, or maintain a policy for employee discharge or discipline that includes a standard that is different from the arbitrary and capricious standard under the tenure law (under House Bill 4626).

Prohibited subjects of bargaining also include decisions about the format, timing, or number of classroom observations conducted under the tenure law, and decisions concerning the classroom observation of an individual employee.

In addition, prohibited subjects of bargaining include decisions about the development, content, standards, procedures, adoption, and implementation of the method of compensation required under Section 1250 of the Revised School Code, decisions about how an employee performance evaluation is used to determine performance-based compensation under that section, and decisions concerning the performance-based compensation of an individual employee.

Further, prohibited subjects of bargaining include decisions about the development, format, content, and procedures of the notification to parents and legal guardians of pupils taught by a teacher who has been rated as ineffective, as required under Section 1249a of the Code.

MCL 38.81-38.83a (H.B. 4625)  
38.74 et al. (H.B. 4626)  
380.1248 et al. (H.B. 4627)  
423.215 (H.B. 4628)

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

State: The fiscal impact on the State is indeterminate, and will depend upon whether this package of bills results in more or fewer hearings brought before the Teacher Tenure Commission. In addition, the State will see increased costs due to reformatting the Michigan Online Educator Certification System to incorporate certification changes that will occur because of changes in probationary status.

The State Department of Education will see increased staff and resource costs from the requirement to staff the new Governor's Council on Educator Effectiveness. In addition, the requirement for the Council to contract with experts on the design and implementation of educator evaluations will result in increased State costs. The Department has indicated these costs will total \$325,000 for one FTE and contract expenses for one year.

Local: The fiscal impact on school districts and intermediate districts under this package of bills is indeterminate.

The requirements to adopt and implement policies for annual teacher evaluations (including a mid-year progress report) and additional probationary teacher evaluations, effectiveness ratings, and reducing or replenishing workforce based on effectiveness and not length of service, likely will result in some additional costs to ensure that local policies comply with the requirements in the bills. In addition, the requirements to ensure that, by 2013-2014, the evaluation systems for teachers and administrators include all of the specified items in the legislation, along with the requirement that school boards adopt and implement the State evaluation tools required by legislation based on recommendations of the Governor's Council on Educator Effectiveness, or similar evaluation tools, likely will result in some additional compliance costs.

The overall shift in requiring districts and intermediate districts to fill (or reduce) positions based on effectiveness ratings and not seniority or tenure may result in some hiring and cost changes, if the effectiveness ratings are found to be significantly different than the seniority or tenure levels. However, if effectiveness ratings are found to be fairly similar to seniority or tenure levels (i.e., if senior teachers who are likely at the higher end of the pay scale are rated effective), then there will not be any significant fiscal impact from this requirement since senior or tenured teachers who are effective probably will retain jobs in a workforce reduction or fill positions when rehiring is done, as often found in current practice, if all other factors are equal.

The bills also allow a suspended teacher's salary to be escrowed if criminal charges are filed, which may provide for some potential savings if implemented at the local level.

It is unknown how many teachers on continuing tenure will face discharge or demotion due to the change from "reasonable and just cause" to "a reason that is not arbitrary and capricious".

The shortened tenure appeal process, the mandatory dismissal of a teacher rated ineffective on three consecutive annual year-end evaluations, and allowing for probationary teachers to be dismissed at any time, may provide some procedural cost relief for districts and intermediate districts. However, there may be some additional local procedural costs from the provision that allows a nonprobationary teacher who is rated ineffective to request a review of the evaluation and rating by the superintendent.

Fiscal Analyst: Kathryn Summers

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

## **GRADE 3**

### **PERFORM**

**Standard 1: Apply skills and knowledge to perform in the arts.  
(VPAA: C1, C2, C3, C4, C5, P1, P2, P4, R1, R4)**

- ART.M.I.3.1 Use developmentally appropriate singing voice, sing melodies accurately, and physically demonstrate macro and micro beat.
- ART.M.I.3.2 Continue to develop repertoire.
- ART.M.I.3.3 Sing and play expressively utilizing a broader continuum of dynamics and interpretation.
- ART.M.I.3.4 Sing melodies with confidence in a large group.
- ART.M.I.3.5 Blend timbres and match dynamic levels in response to the cues of the conductor.
- ART.M.I.3.6 Play rhythmic and chordal ostinati and melodies.  
ART.M.I.3.7 Expand the complexity of patterns.
- ART.M.I.3.8 Play instrumental parts independently while other students sing.
- ART.M.I.3.9 Use a system to read quarter notes and rests, eighth notes, half notes, and whole notes.
- ART.M.I.3.10 Use a system to read pitch notation for a major scale.
- ART.M.I.3.11 Perform music with a variety of expressive qualities, articulation, and tempo.

### **CREATE**

**Standard 2: Apply skills and knowledge to create in the arts.  
(VPAA: C1, C2, C3, C4, C5, P1, P2, P4, R1, R4)**

- ART.M.II.3.1 Create through exploration, improvisation, and composition, rhythmic and melodic ostinati accompaniments.
- ART.M.II.3.2 Create through exploration, improvisation, and composition, answers that are rhythmic and melodic.

**Michigan Standards, Benchmarks, and Grade Level Content Expectations for  
Visual Arts, Music, Dance, and Theater**

- ART.M.II.3.3 Create through exploration, improvisation, and composition, melodic embellishments for a familiar song.
- ART.M.II.3.4 Create an instrumental song with lyrics.
- ART.M.II.3.5 Use a variety of traditional and non-traditional sound sources and electronic media when composing, arranging, and improvising appropriate to 3<sup>rd</sup> grade.
- ART.M.II.3.6 Add vocal, instrumental, and physical responses to a selection presented in 3<sup>rd</sup> grade.

**ANALYZE**

**Standard 3: Analyze, describe, and evaluate works of art.  
(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.III.3.1 Identify round and canon when presented aurally.
- ART.M.III.3.2 Use invented or standard notation to transcribe increasingly difficult rhythms and melodies.
- ART.M.III.K.3 Describe the music performed and presented in 3<sup>rd</sup> grade by moving, drawing, or through other appropriate responses.
- ART.M.III.3.4 With teacher guidance, use music vocabulary to analyze, describe, and evaluate music of various styles.
- ART.M.III.3.5 Identify the timbre of specific instruments in string, brass, woodwinds, and percussion families.
- ART.M.III.3.6 Devise student-created criteria for objective evaluation of performances and compositions.
- ART.M.III.3.7 Use music vocabulary to express personal reactions for musical works and styles.

**ANALYZE IN CONTEXT**

**Standard 4: Understand, analyze, and describe the arts in their historical, social, and cultural contexts.  
(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.IV.3.1 Identify and describe distinguishing characteristics of contrasting styles.

**Michigan Standards, Benchmarks, and Grade Level Content Expectations for  
Visual Arts, Music, Dance, and Theater**

- ART.M.IV.3.2 Describe how elements of music are used in examples from world cultures, using music performed and presented in 3<sup>rd</sup> grade.
- ART.M.IV.3.3 Demonstrate audience appropriate behavior for the context and style of music presented and performed in 3<sup>rd</sup> grade.

**ANALYZE AND MAKE CONNECTIONS**

**Standard 5: Recognize, analyze, and describe connections among the arts; between the arts and other disciplines; between the arts and everyday life.  
(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.V.3.1 Observe and identify similarities and differences in the meanings of common vocabulary used in the various 3<sup>rd</sup> grade arts.
- ART.M.V.3.2 Observe and identify cross-curricular connections within the 3<sup>rd</sup> grade curriculum.
- ART.M.V.3.3 Discuss the various rationales for using music in daily experiences.

## **GRADE 7**

### **PERFORM**

**Standard 1:**        **Apply skills and knowledge to perform in the arts.**  
**(VPAA: C1, C2, C3, C4, C5, P1, P2, P4, R1, R4)**

ART.M.I.7.1        Sing and play with expression and technical accuracy, an increasingly diverse repertoire of literature at developmentally-appropriate levels. Perform at least one selection from memory.

ART.M.I.1.2        Sing a melody in a small group.

ART.M.I.7.3        Sing and play accurately as a soloist, and in both small and large ensembles with appropriate technique and breath control.

ART.M.I.7.4        Use technology in a variety of ways in musical performance.

ART.M.I.7.5        Sight read basic melodies in treble and bass clefs, using combinations of whole, half, quarter, eighth, sixteenth, and dotted notes and rests; in simple meter.

### **CREATE**

**Standard 2:**        **Apply skills and knowledge to create in the arts.**  
**(VPAA: C1, C2, C3, C4, C5, P1, P2, P4, R1, R4)**

ART.M.II.7.1        Improvise tonic and dominant accompaniments.

ART.M.II.7.2        Improvise basic rhythmic and melodic variations.

ART.M.II.7.3        Improvise short melodies over given rhythmic accompaniments, each in a consistent style, meter, and tonality.

ART.M.II.7.4        Compose short pieces to communicate ideas and/or stories, within defined parameters.

ART.M.II.7.5        Arrange simple pieces for student's classroom instrument or voice.

ART.M.II.7.6        Use a variety of traditional and nontraditional sound sources when composing, arranging, and improvising.

## **ANALYZE**

**Standard 3: Analyze, describe, and evaluate works of art.**  
**(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.III.7.1 Identify and describe specific musical elements and events in a given aural example, using appropriate terminology.
- ART.M.III.7.2 Analyze elements of music used in music of increasingly diverse genres and styles.
- ART.M.III.7.3 Demonstrate knowledge of the basic principles of tonality, major chords, and I-IV-V harmonic progressions in major keys.
- ART.M.III.7.4 Develop criteria based on musical knowledge and personal reflections to evaluate the quality and effectiveness of music performances. Apply these criteria as self-evaluation when performing and creating.
- ART.M.III.7.5 Evaluate the quality and effectiveness of one's own and others' musical performances and creations by applying specific and appropriate criteria, and offering constructive suggestions for improvement.

## **ANALYZE IN CONTEXT**

**Standard 4: Understand, analyze, and describe the arts in their historical, social, and cultural contexts.**  
**(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.IV.7.1 Describe distinguishing characteristics of a repertoire of music from diverse cultures.
- ART.M.IV.7.2 Classify by genre and style (and, if applicable, by historical period, composer, and title) a varied body of exemplary musical works.
- ART.M.IV.7.3 Compare, in several cultures of the world, functions music serves and the roles of musicians.
- ART.M.IV.7.4 Describe the relationship between technology and music.

## **ANALYZE AND MAKE CONNECTIONS**

**Standard 5: Recognize, analyze, and describe connections among the arts; between the arts and other disciplines; between the arts and everyday life.**

**Michigan Standards, Benchmarks, and Grade Level Content Expectations for  
Visual Arts, Music, Dance, and Theater**

**(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.V.7.1 Describe and compare the relationships between the art forms and their characteristic materials.
- ART.M.V.7.2 Describe ways in which music is related to the subject matter of at least two other disciplines.
- ART.M.V.7.3 Identify multiple artistic applications of current technology in music.

## **HIGH SCHOOL**

### **PERFORM**

**Standard 1: Apply skills and knowledge to perform in the arts.  
(VPAA: C1, C2, C3, C4, C5, P1, P2, P4, R1, R4)**

ART.M.I.HS.1 Sing and play with expression and technical accuracy a large and varied repertoire of vocal and instrumental literature with a moderate level of difficulty, including some selections performed from memory.  
*(21<sup>st</sup> Century Skills: I.3, I.4, I.5, I.6, II.1, II.7, III.3, III.4, III.10)*

ART.M.1.HS.2 Sing music written in four parts, with and without accompaniment.  
*(21<sup>st</sup> Century Skills: I.3, I.4, I.5, II.1, III.4, III.6)*

ART.M.1.HS.3 Perform an appropriate part in large and small ensembles, demonstrating well-developed ensemble skills.  
*(21<sup>st</sup> Century Skills: I.4, II.5, III.3)*

ART.M.1.HS.4 Perform music using instruments (traditional and non-traditional) and electronic media.  
*(21<sup>st</sup> Century Skills: I.1, I.2, II.2, II.3, II.5, III.2)*

ART.M.1.HS.5 Perform from an instrumental or vocal score of at least four staves.  
*(21<sup>st</sup> Century Skills: I.3, I.4, II.1, II.7)*

ART.M.1.HS.6 Sight read accurately and expressively, music with a moderate level of difficulty.  
*(21<sup>st</sup> Century Skills: I.3, I.4, II.1, II.7)*

### **CREATE**

**Standard 2: Apply skills and knowledge to create in the arts.  
(VPAA: C1, C2, C3, C4, C5, P1, P2, P4, R1, R4)**

ART.M.II.HS.1 Improvise stylistically appropriate harmonizing parts.  
*(21<sup>st</sup> Century Skills: I.1, I.3, I.4, 1.5, 1.6, II.1, II.4, II.5)*

ART.M.II.HS.2 Improvise rhythmic and melodic variations given pentatonic melodies, and melodies in major and minor keys.  
*(21<sup>st</sup> Century Skills: I.1, I.3, I.4, II.1, II.4, II.5)*

**Michigan Standards, Benchmarks, and Grade Level Content Expectations for  
Visual Arts, Music, Dance, and Theater**

- ART.M.II.HS.3      Improvise original melodies over given chord progressions, each in a consistent style, meter, and tonality.  
*(21<sup>st</sup> Century Skills: I.1, I.2, I.3, I.4, II.1, II.4, II.5)*
- ART.M.II.HS.4      Compose music in several different styles, demonstrate creativity in using the elements of music for expressive effect. *(21<sup>st</sup> Century Skills: I.1, I.2, I.3, I.4, II.1, II.7, III.3, III. 4)*
- ART.M.II.HS.5      Arrange pieces for voices or instruments, other than those for which the pieces were written, in ways that preserve or enhance the expressive effect of the music.  
*(21<sup>st</sup> Century Skills: I.1, I.2, I.3, I.4, I.5, II.1, II.4, II.7, III.3, III. 4)*
- ART.M.II.HS.6      Compose and arrange music for voices and various acoustic and electronic instruments, demonstrating knowledge of the ranges and traditional usage of the sound sources.  
*(21<sup>st</sup> Century Skills: I.1, I.2, I. 3, I.4, II.1, II.3, II.7, III.3)*
- ART.M.II.HS.7      Create or adapt music to integrate with other media.  
*(21<sup>st</sup> Century Skills: I.1, I.2, I.3, I.4, II.1, II.2, II.3, II.5, II.7, III.3)*

**ANALYZE**

**Standard 3:      Analyze, describe, and evaluate works of art.  
(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.III.HS.1      Demonstrate extensive knowledge and use of the technical vocabulary of music.  
*(21<sup>st</sup> Century Skills: I.6, II.1)*
- ART.M.III.HS.2      Analyze aural examples of a varied repertoire of music, representing diverse genres and cultures, by describing the uses of elements of music and expressive devices.  
*(21<sup>st</sup> Century Skills: I.3, II.1, II.7, III.2, III.7)*
- ART.M.III.HS.3      Identify and explain compositional devices and techniques and their purposes, giving examples of other works that make similar uses of these devices and techniques.  
*(21<sup>st</sup> Century Skills: I.3, I.4, I.6, II.1)*
- ART.M.III.HS.4      Evaluate the use of music in mixed media environments.  
*(21<sup>st</sup> Century Skills: I.3, I.6, II.1, II.2)*

**Michigan Standards, Benchmarks, and Grade Level Content Expectations for  
Visual Arts, Music, Dance, and Theater**

- ART.M.III.HS.5      Make informed, critical evaluations of the quality and effectiveness of performances, compositions, arrangements, and improvisations applying specific criteria.  
*(21<sup>st</sup> Century Skills: I.3, I.6, II.1)*
- ART.M.III.HS.6      Evaluate a performance, composition, arrangement, or improvisation by comparing it to similar or exemplary models.  
*(21<sup>st</sup> Century Skills: I.3, I.4, I.6, II.1)*

**ANALYZE IN CONTEXT**

**Standard 4:      Understand, analyze, and describe the arts in their historical, social, and cultural contexts.  
(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.IV.HS.1      Classify by genre or style and by historical periods or culture, unfamiliar but representative aural examples of music and explain the reasoning behind their classifications.  
*(21<sup>st</sup> Century Skills: I.3, I.4, I.6, II.1, III.1, III.2, III.7)*
- ART.M.IV.HS.2      Identify sources of American music genres, trace the evolution of those genres, and cite well-known musicians associated with them.  
*(21<sup>st</sup> Century Skills: I.3, II.1, III.2, III.7)*
- ART.M.IV.HS.3      Identify various roles that musicians perform, cite representative individuals who have functioned in each role, and describe their activities and achievements.  
*(21<sup>st</sup> Century Skills: I.3, I.6, II.1, III.2, III.7, III.9)*
- ART.M.IV.HS.4      Analyze the impact of electronic music media in society and culture.  
*(21<sup>st</sup> Century Skills: I.3, II.1, II.2, II.3, III.2, III.7, III.9)*

**ANALYZE AND MAKE CONNECTIONS**

**Standard 5:      Recognize, analyze, and describe connections among the arts; between the arts and other disciplines; between the arts and everyday life  
(VPAA: C2, C3, C4, C5, P2, P3, R1, R2, R3, R4)**

- ART.M.V.HS.1      Explain how elements, artistic processes, and organizational principles are used in similar and distinctive ways in the various arts and cite examples.  
*(21<sup>st</sup> Century Skills: I.3, I.6, II.1)*

**Michigan Standards, Benchmarks, and Grade Level Content Expectations for  
Visual Arts, Music, Dance, and Theater**

- ART.M.V.HS.2      Compare characteristics of two or more arts within a particular historical period or style and cite examples from various cultures.  
*(21<sup>st</sup> Century Skills: I.3, I.4, I.6, II.1, III.2, III.7, III.9)*
- ART.M.V.HS.3      Explain ways in which the principles and subject matter of various disciplines outside the arts are interrelated with those of music.  
*(21<sup>st</sup> Century Skills: I.3, I.6, II.1)*
- ART.M.V.HS.4      Explain how the roles of creators, performers, and others involved in the production and presentation of the arts are similar to and different from one another in the various arts and disciplines outside of the arts.  
*(21<sup>st</sup> Century Skills: I.3, I.6, II.1, III.2, III.7, III.9)*
- ART.M.V.HS.5      Analyze and consider the use of music and media for the future.  
*(21<sup>st</sup> Century Skills: I.2, I.3, II.1, II.2, II.3, III.2, III.7, III.9)*

# Sample Annual Music Assessment – Grade 3

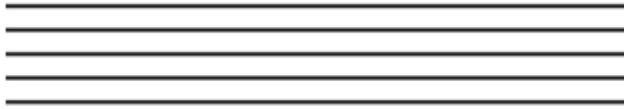
## Part I – Written (50 pts. total)

1. You will hear three songs. Indicate if the song is sung in unison (U) or as a round (R).  
[ART.M.III.3.1] (1 pt. each)

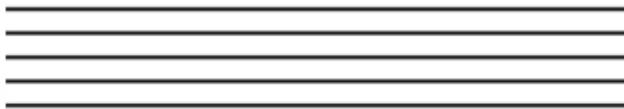
- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

2. You will hear three rhythms that are four beats long and may use quarter, eighth, and half notes. Write the rhythm on the third space of the staves below. [ART.M.I.3.9, ART.M.III.3.2] (each item correct = 2 pts.; partially correct = 1 pt.; incorrect = 0 pts.)

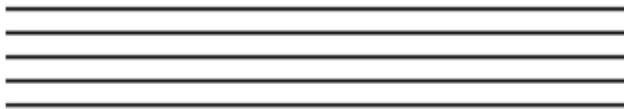
a.



b.

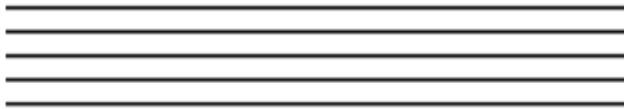


c.

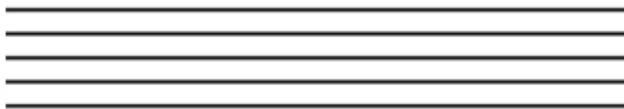


3. You will hear two four beat melodies starting on a quarter note g. Write them on the staves below. [ART.M.I.3.9, ART.M.III.3.2] (melody & rhythm correct = 4 pts.; melody OR rhythm correct = 2 pt.; melody and/or rhythm partially incorrect = 1 pt.; incorrect = 0 pts.)

a.



b.



4. You will hear two short pieces. Circle three words that best describe the music. [ART.M.III.3.4; ART.M.III.3.5] (each correct word = 1 pt.)

a. First piece

brass	percussion	piano	fast
woodwinds	strings	forte	slow

b. Second piece

brass	percussion	piano	fast
woodwinds	strings	forte	slow

5. This song in (circle one) **AB** / **ABA** form. [ART.M.III.3.4] (correct = 1 pt.)

6. Circle the instrument playing each of the following songs. [ART.M.III.3.5] (correct = 1 pt.)

a.



b.



7. Circle the line you hear. [ART.M.I.3.10] (correct = 1 pt.)



8. You will hear two pieces, one played by a jazz band and the other by a symphony orchestra. Write a sentence describing two ways that these pieces are similar. Then write two sentences describing way that these two pieces are different. [ART.M.IV.3.1] (each correct sentence = 2 pts.; each partially correct sentence = 1 pt.; incorrect sentence = 0 pts.; Do not deduct points for writing mechanics).

These pieces are the same in that they both \_\_\_\_\_.

These pieces are the same in that they both \_\_\_\_\_.

These pieces are different because one \_\_\_\_\_ and the other \_\_\_\_\_.

These pieces are different because one \_\_\_\_\_ and the other \_\_\_\_\_.

9. This song is from Kenya, a county in Africa. Answer the following questions.

[ART.M.IV.3.2] (each correct answer = 1 pt.)

a. Do you hear one or many instruments? (Circle one) ONE / MANY

b. Which is most prominent? (Circle one) MELODY / HARMONY/ RHYTHM

c. Tap along with the beat. Is it steady or unsteady? (circle one) STEADY / UNSTEADY

d. The instruments are from what family? (circle one) STRINGS / PERCUSSION / BRASS

10. Think about different places where you hear music. List them and tell why music might be played in that place. [ART.M.V.3.3] (correct place and reason = 2 pts. per sentence; correct place OR reason = 1 pt. per sentence; incorrect place and reason = 0 pts.)

a. (Place) \_\_\_\_\_ (Why) \_\_\_\_\_.

b. (Place) \_\_\_\_\_ (Why) \_\_\_\_\_.

c. (Place) \_\_\_\_\_ (Why) \_\_\_\_\_.

11. You will hear a piece of music. Write one sentence that tells us if you like the music or not. Then write two more sentences explaining why you like or dislike the piece. Try to use musical describing words that we have learned in class [ART.M.III.3.7] (Each sentence = 1 pt.; Use of musical vocabulary = add 1-2 pt.; no deduction for writing mechanics.)

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## Part II – Create & Perform (25 pts. x 2 = 50 pts. total)

(Administer to the whole class. Teacher may use up to two classes to teach songs and patterns. Students should engage in similar activities throughout the year, but not on these particular songs.)

Musical score for "Are You Sleeping" in 3/4 time. The score is divided into four systems, each with a treble clef and a key signature of one flat (B-flat). The lyrics are provided in English and French below the notes.

System 1: *F*  
Are you sleep - ing? Are you sleep - ing?  
*Fré - re Jac - ques, Fré - re Jac - ques,*

System 2: *C7 F C7 F*  
Broth - er John, Bro - ther John,  
*Dor - mez vous? Dor - mez - vous?*

System 3: *9*  
morn - ing bells are ring - ing, morn - ing bells are  
*son - nez les ma - ti - nes, son - nez les ma -*

System 4: *12 C7 F C7 F*  
ring - ing: Ding, dang, dong! Ding, dang, dong!  
*ti - nes: Ding, din don! Ding, din, don!*

1. "Are You Sleeping" [NOTE: Michigan Music Benchmarks do not call on students to sing independently until grade 5. In my opinion, this is too late. However, this assessment is intended to follow MI standards.]
  - a. Sing song together several times. Tap the macro beat and micro beat separately.  
[ART.M.I.3.1; ART.M.I.3.4] (Confident singing and accurate macro & micro beat = 3 pts.; mostly confident singing and correct macro OR micro beat = 2 pts.; mostly confident singing but incorrect macro and micro beat = 1 pt.; unconfident singer and incorrect macro and micro beat = 0 pts.)
  - b. Students each play one of the ostinato patterns below. Students not playing should sing. Students need not sing and play at the same time. Students should recognize pattern from a card, rehearse, and perform. [ART.M.I.3.6; ART.M.I.3.8; ART.M.I.3.9; ART.M.I.3.10]
    1. Bass Xylophone – Half note F/C (played together) bourdon
    2. Mallet Percussion – quarter notes FGAF ("are you sleeping?")
    3. Mallet Percussion – CDCB A F (Tititi Ta Ta - "morning bells are ringing")
    4. Hand Drum – Ta Titi Ta TiTi (quarter-eighth eighth-quarter-eighth eighth)

Assessment Score

- 6 pts. = student recognizes, learns, and performs ostinato accurately and independently.
- 5 pts. = student recognizes and learns ostianato but with help from teacher, but performs independently.
- 4 pts. = student recognizes, learns, and performs ostinato with help from teacher.
- 3 pts. = student remembers ostinato by rote, but plays delivers a mostly accurately performance.
- 2 pts. = student partially remembers ostinato by rote and attempts to perform.
- 1 pts. = student is unable to perform ostinato, even by rote with help from teacher, but attempts to perform with group.
- 0 pts. = student unable/unwilling to learn or perform ostinato with group.

2. Twinkle, Twinkle, Little Star (excerpt)



The image shows a musical staff with a treble clef and a common time signature (C). The melody consists of quarter notes: C4, D4, E4, F4, G4, A4, B4, A4, G4, F4, E4, D4, C4. The lyrics are written below the staff: "Twin-kle, twin-kle, lit - tle star, how I won - der what you are!"

- a. Play the song on mallet instruments as a class. Play through several times.
- b. Students compose a variation by (i) changing quarters to pairs of eights, (ii) changing notes to rests, (iii) altering note lengths [ART.M.II.3.3; ART.M.II.3.5].
- c. Write out the variation for grading. [ART.M.I.3.9; ART.M.I.3.10]
- d. Perform variation.



Four blank musical staves are provided for the student to write their variation.

Assessment Score

- Variation written out with correct notation and performed correctly = 10-9 pts.
- Variation written out with correct notation OR performed correctly = 8-7 pts.
- Some errors in notation and performance but recognizable = 6-5 pts.
- Many errors in notation and performance but effort to write a variation = 4-3 pts.
- Little variation, correct notation, or performance = 2-1 pts.
- Notation and performance virtually unrecognizable or no effort made = 0 pts.

### 3. Scotland's Burning

Scot - land's burn - ing, Scot - land's burn - ing,  
 Look out! Look out!  
 Fire! Fire! Fire! Fire!  
 Pour on wa - ter. Pour on wa - ter!

- Compose a spoken, clapping, and melodic ostinato for “Scotland’s Burning”. Notate on staff paper. Each ostinato should be two beats long and use quarters (Ta), eighths (TiTi), half (ta-ah), or quarter rest (shh). (ART.M.I.3.9; ART.M.I.3.10; ART.M.II.3.1; ART.M.II.3.5)
- Choose one ostinato to perform when it is your turn. [performance not assessed]
- Turn in all three ostinati to your teacher.

#### Assessment Score

- All three ostinati fit the song = 6 (- 1 pt. for each ostinati written w/ incorrect notation)
- Two out of three ostinati fit the song = 4 (- 1 pt. for each ostinati written w/ incorrect notation)
- One ostinati fits song = 2 (- 1 pt. if ostinati is written w/ incorrect notation)
- None of the ostinati fit song = 0

## Sample Annual High School Orchestra Assessment

Part I – Written (score/119 pts. = %/100. Then divided by % by 2 = score/50)

### I. Music Terminology – Matching (1 pt. each = 20 pts.) [ART.M.III.HS.1]

- |                        |                       |
|------------------------|-----------------------|
| 1. _____ allegro       | a. sweetly            |
| 2. _____ trio          | b. slower & broader   |
| 3. _____ poco          | c. moderately fast    |
| 4. _____ stringendo    | d. fast               |
| 5. _____ allegretto    | e. little             |
| 6. _____ dolce         | f. hastening          |
| 7. _____ feierlich     | g. expressively       |
| 8. _____ ausdrucksvoll | h. soft, tender       |
| 9. _____ weich         | i. contrasting minuet |
| 10. _____ allargando   | j. solemn, grave      |

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### II. Music History & Culture - Multiple Choice (1 each = 15 pts.) [ART.M.V.HS.1]

11. \_\_\_\_\_ “Spring” from Vivaldi’s *Four Seasons* is
- Based on sonnets written by a famous Italian poet
  - is the first movement of one concerto from a set of four concertos
  - is an early example of program music
  - both b and c
12. \_\_\_\_\_ A symphony is a work that generally has movements arranged
- Fast-slow-fast
  - Fast-slow-minuet-fast
  - Fast-minuet-slow-fast
  - Fast-slow-slow-fast
13. \_\_\_\_\_ Orchestral music of the classical era typically features
- Homophonic texture
  - Clear, symmetrical phrases
  - Dominance of string section
  - All of the above
-

III. Music Theory (12 pts.) [ART.M.III.HS.1]

14-19. Write the following key signatures and scales. (2 pts. each):

Freshmen: A, C, Bb, G, F, & D major

Sophomores: E, Bb, Ab, D, Eb, & A major

Juniors: A, Eb, & Ab major; d, e, & b natural minor

Seniors: B & C# major; c#, f#, b, & g melodic minor

Three sets of empty musical staves, each consisting of a grand staff (treble and bass clefs) with five lines each, provided for writing key signatures and scales.

20. Write the counting below the notes/rests for the excerpt below. (2 pt. per mes.= 24 pts.)

Musical excerpt for counting exercise. The title is "Allegro". The music is in 2/4 time and G major. It consists of two staves. The first staff starts with a forte (*f*) dynamic and includes a trill (*tr*) in the final measure. The second staff starts with a piano (*p*) dynamic. The excerpt contains various rhythmic patterns including eighth notes, sixteenth notes, and rests.

Identify the following excerpts as baroque or classical by circling the appropriate word. Briefly explain your answer. [ART.IV.HS.1]

21. BAROQUE / CLASSICAL	Why?:
22. BAROQUE / CLASSICAL	Why?:
23. BAROQUE / CLASSICAL	Why?:
24. BAROQUE / CLASSICAL	Why?:

25. You will see a video of a high school orchestra (not our own) playing the first movement of Mozart's *Eine Kleine Nachtmusik* in concert. The video will be played three times. You will have time to write between each listening. Complete the evaluation form below indicating positive aspects, areas for improvement, and strategies this group could use in rehearsal and individual practice to make their performance better. (30 pts.) [ART.M.III.HS.5; ART.M.III.HS.6]

	Comments
<b>Tone</b> characteristic sound, warmth, control, support, percussion instrument adjustment and sound	
<b>Intonation</b> correct pitches, matching within ensemble	
<b>Balance</b> Parts covered as well as possible, blend, proportion of melody, bass, harmony, etc. Percussion balanced to ensemble, overall ensemble sound	
<b>Musicianship</b> Dynamics, phrasing, appropriate style & articulation, improvisation (jazz ensembles only)	
<b>Rhythm</b> Correct rhythms, consistent tempo, phasing, precision, appropriate tempo changes executed together	
<b>Technique</b> Hand/bow position, tonguing/slurring, fingering ability, ability to play individual parts	
<b>Stage Presence</b> Posture, self discipline, neat appearance, attention to conductor, deportment on and off stage	

### Grading Rubric

30-26	25-21	20-16	15-11	10-0
Evaluation identifies numerous positive aspects and areas for improvement with specific strategies for rehearsal and practice. Comments are specific, accurate, and clear.	Evaluation identifies several positive aspects and areas for improvement with general strategies for rehearsal and practice. A few comments are specific. Most comments are general, but mostly accurate, and clear.	Evaluation includes some positive comments and areas for improvement. Several comments are accurate w/ some general strategies for rehearsal and practice. More detail and clarity needed.	Evaluation includes a few positive comments and areas for improvement. Some comments are accurate w/ some general strategies for rehearsal and practice. Some comments may be inaccurate or incorrectly stated. More detail and clarity needed.	Evaluation is incomplete with only a few helpful comments.

26. Form – You will hear the first movement to “Spring” from Vivaldi’s *Four Seasons* two times. Write the number called in the appropriate place in the listening map. (10 pts.)  
 [ART.M.III.HS.2]

**“Spring” from *the Four Seasons***  
 By Antonio Vivaldi (1678-1741)

R = Ritornello                      E = Episode

<b>R1</b> “Spring w/ all it’s happiness is here.”	R1	<b>R2</b>	R2	<b>E1</b> “And the birds welcome it w/ happy songs”	<b>R2</b>	<b>E2</b> “And the brooks, touched by the breezes, flow w/ sweet murmurings”  (quiet)
<b>R2</b>  (Dominant)	<b>E3</b> “Dark clouds fill the sky announced by lightning and thunder.”  (Fast “lightening like” notes)	<b>R2</b>  (C# Minor)	<b>E4</b> “But when everything is quiet, the birds begin to sing again their enchanting song.”	<b>R2</b>	R2	

**Part II – Individual Performance (50 pts.) [ART.M.I.HS.4]**

	<b>Scales (10)</b>	<b>Etude (15)</b>	<b>Orchestra Rep. (15)</b> [ART.M.I.HS.1; ART.M.I.HS.3]	<b>Sight Reading (10)</b> [ART.M.I.HS.6]
<b>Grade 9</b>				
<b>Grade 10</b>				
<b>Grade 11</b>				
<b>Grade 12</b>				

# STRATEGIC TESTING

by Timothy Eimer

**S**EVERAL YEARS AGO A COLLEAGUE OF MINE asked me to proofread a test that she had written. She was obviously very proud of the test, and I'm sure that in college she had taken courses in educational measurements and evaluations, but I found her test to be riddled with mistakes. During the course of my career, I have come across many poorly crafted tests by both rookie and veteran teachers. As Christian educators, we must strive to carry out our tasks, including test writing, in a conscientious manner that is done for the glory of God. If you struggle with creating clear, effective tests or if you want to improve the tests you write, consider these strategies.

## Preparing your students for a test

A MAJOR COMPLAINT THAT I HAVE HEARD FROM STUDENTS is that their teachers don't adequately prepare students for tests. As teachers, we cannot cover a large body of information during a unit and then expect students to read our minds about what will be included on the unit test. Students of all age groups need guidance for test preparation. To be fair to our students, we must adequately prepare them to succeed when

taking our tests. The primary objectives of a test are to evaluate and to facilitate learning; keeping the content of the test a mystery will hinder students from achieving these objectives.

Prepare a detailed test review for students to alert them to the major terms, formulas, types of problems, or topics you will test them on. Showing your students the test review at the start of a unit can be very effective because it serves as an advance organizer for the unit's most important content.

Be sure to include time in your schedule to help students who are struggling with the content that will appear on your test. Have students practice writing out answers to your review questions, and consider using class time to have student pairs or groups evaluate their review answers. Review games resembling Jeopardy or Around the World are other effective ways to help students prepare for tests.

## Understanding basic test-writing guidelines

AS CHRISTIAN SCHOOL TEACHERS, WE NEED TO PARTNER with our students to learn about the world from a biblical perspective. This mission will be hindered if our students perceive that our tests or other evaluation tools are unfair or unduly difficult. Understanding several basic test-writing guidelines will help you write fair, effective tests.

Many students, especially those who struggle with tests, become flustered when they encounter a new format for every test. If possible, try to use the same format for every test you create for a class. For example, all my tests begin with two pages of multiple choice questions followed by one page of matching questions and one page of short-answer questions and essays. I also make all tests worth 100 points, and I use tests as a standard for weighing other assignments or projects.

For example, an average homework assignment requires about a third of the effort that is required for studying for a test and is therefore worth 30 points.

Tests should be a reasonable length for the allotted time. Most, if not all, of your students should be able to complete a test at least 10 minutes before the end of class so they have time to check their answers. Avoid the temptation of writing tests that challenge your top students and leave everyone else in the dust.

Test questions should not provide clues for answering other questions. Some teachers deliberately scatter clues throughout a test, but this tactic simply rewards astute test takers and doesn't genuinely measure students' knowledge.

When writing a test, beware of staging a trivial pursuit—what educational specialists call irrelevant difficulty. Testing for minor details such as the year George Washington was married or the scientific name of the emperor penguin increases a test's difficulty but lowers its validity and effectiveness. It will also lower your popularity with students—and with good reason. In all our classes we are encouraging students to heed the message of Proverbs 4:5–12, to seek out wisdom and good judgment and to be guided by wisdom. It sends a poor message to our students to encourage them to use God's wisdom to understand the big picture of our content area but then to test on inconsequential details.

### Writing true or false questions

TRUE-FALSE QUESTIONS ARE A common test item, but they are often used incorrectly. True-false items are effective for measuring a student's ability to identify a basic principle, a term's definition, or the accuracy of a statement. True-false questions should not be used to evaluate statements of opinion or broad, general statements, which require a written response.

## Weak Multiple-Choice Questions:

The number of countries

- a) in the world is equal to 193.
- b) are 210.
- c) in the United Nations is approximately equal to 191.
- d) in the world is not important.

*There are several reasons why this is a poorly constructed question. The stem is not a meaningful statement by itself, and it is shorter than a distracter. The distracters are unequal in length, and they are not evaluating the same topic. Choice "c" is incorrect, but the correct number of United Nations members is 192, making choice "c" a trivial distracter. Choice "d" is a subjective response at best and a frivolous one at worst, and alternative "b" does not grammatically match the stem.*

The average distance from the earth to the sun is \_\_\_\_\_

- a) 93,000 miles
- b) 220,000,000 kilometers
- c) 93,000,000 miles
- d)  $5 \times 10^{12}$  miles

*The stem of this question is correctly written, but the alternatives do not match each other. All the alternatives should use the same unit, they should be listed in numerical order, and they should all be standard numbers instead of including a number using exponential notation.*

Good true-false questions that are not too obvious are difficult to construct. True-false questions also offer students a higher probability of guessing the correct answer. I have abandoned true-false questions entirely, and most educational specialists advocate avoiding them unless it is the only appropriate type of question available for the content you wish to evaluate.

### Writing matching questions

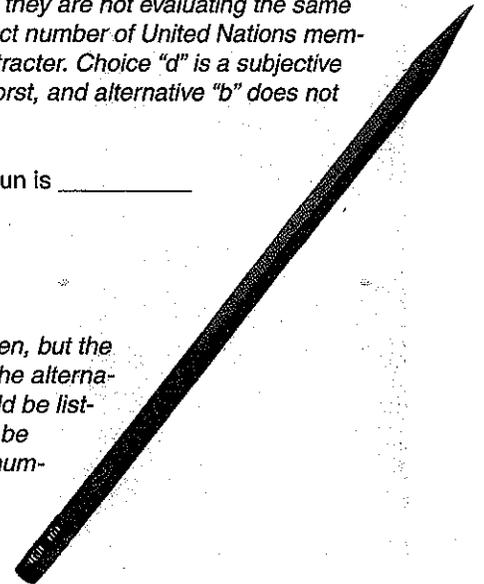
MATCHING QUESTIONS EFFECTIVELY measure a student's ability to identify relationships between two things. For example, matching questions can ask students to match persons with accomplishments, terms with definitions, dates with historical events, authors with book titles, organisms with classification groups, or rules with examples. Matching exercises are compact, allowing you

to measure a large amount of factual information in a little space. But matching questions should only be used to measure facts, not the application of content.

When constructing matching questions, use the same type of material for each exercise. For example, a single matching set could include facts about U.S. presidents or Canadian inventors, but not both presidents and inventors. Use an unequal number of questions and answers in the answer box, and tell students that answers may be used once, more than once, or not at all. Finally, avoid using too many questions or answer options in one set. A set of matching questions should never have more than 10 questions.

### Writing multiple choice questions

AMONG OBJECTIVE TEST ITEMS, multiple-choice questions are the most



widely used because they are versatile and can measure both content knowledge and application. A multiple-choice question consists of an incomplete sentence or a question, which is called the stem, and a list of alternatives or options. The correct alternative is the answer, and the other three or four incorrect alternatives are called distracters.

When constructing a multiple-choice question, be sure that the stem is longer than all the choices and that it is meaningful by itself even without the choices. Keep irrelevant information out of the stem, and match the grammar of the stem with the grammatical structure of each choice.

All the distracters of a multiple-choice question should be plausible, and avoid "all of the above" or "none of the above" alternatives, which are frequently confusing to students. Students should never be asked to circle more than one answer, and each question should have a clearly correct alternative. Never ask for the "best" answer.

All alternatives should have the same grammatical structure, be nearly equal length, and be listed in alphabetical order. You may have two alternatives of one length and two of a different length, but then list the shorter alternatives first. Numerical alternatives should be listed in numerical order, and one number should not be significantly different than the other numbers.

### Writing essay and short-answer questions

BECAUSE ESSAY QUESTIONS OFFER a great deal of freedom for responses, they should not be used to measure basic knowledge or factual information. Essay questions allow students to put ideas together using their own words and are ideally suited for measuring higher-order thinking skills. Essay questions and short-answer items should measure a student's ability to apply, analyze, synthesize, and evaluate knowl-

edge of content learned during a unit or course. Reserve essay questions for testing and measuring learning outcomes that cannot be measured with objective test items.

Essay questions should be carefully constructed to avoid measuring broad, unidentifiable educational objectives. When crafting an essay question, be clear about the learning objectives that you are measuring, and be sure that you grade these objectives using a fair system. Phrase each question in a way that clearly defines the student's task. For example, an essay question might ask students to compare and contrast a democratic state and socialist state. In their answers students should be expected to discuss similarities and differences between these two forms of government based on the characteristics that you discussed in class or that were described in their textbook.

Estimate the approximate time students will need to satisfactorily answer each essay question, and use your estimates to construct questions that can be answered within the allotted time. A common criticism of essay questions is that students don't have enough time to write thoughtful answers. Avoid using optional questions such as asking students to answer three of six possible essays. Although this is a common practice, it lowers the validity of a test because students are taking different tests based on the questions they choose to answer. You can't accurately evaluate the ability of your students to organize their knowledge, thoughts, and ideas if they aren't providing you with a common set of responses.

Prepare an outline of expected answers before grading the test. Major points that need to be included and a scale of different qualities of written responses should be part of your outline, along with the amount of credit each portion of the answer will be worth. On your test, always tell students how much

each essay question is worth. Strive to evaluate the content of an answer, not the presentation of the answer. To limit your tendency to shift your standards, evaluate all of the answers for one question before grading the next essay question. After you have finished grading the first question, shuffle your papers and grade all of the second essay questions, and always evaluate essay questions without first looking at the student's name.

### Consider authentic assessment

WHEN USED AS THE SOLE METHOD of evaluation, tests are an incomplete and poor method for accurately measuring learning. Tests tend to be simplistic in nature and do not evaluate the complex nuances of student performance or understanding. But when they are combined with authentic assessments, tests become an effective evaluation tool.

Authentic assessments are evaluations of performance while students are doing tasks they will encounter in the real world—at their jobs, in their churches, or with their families. Examples of authentic assessments include conducting original scientific research, designing a Sunday school lesson, writing and presenting a public speech, researching a document-based historical inquiry, revising a piece of creative writing for publication, facilitating a meeting or group discussion, collaborating with a team to prepare for a debate, and crafting a polished written response to a question or problem. Combined with traditional tests, authentic assessments will help us gauge our students' mastery of course content and will help us heed the exhortation of Proverbs 22:6 to teach our students to follow the right path so that when they are older they will not depart from it. ♦

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## **NAfME Teacher Evaluation Position Statement**

The systematic application of student scores to teacher evaluation must be done carefully if the resulting systems for evaluation are truly to benefit our students and our schools. We urge all involved in the construction and implementation of these protocols and systems to carefully consider the importance of basing evaluation decisions on valid information. It is important for music educators and others involved in our schools to be aware of the following issues, to avert potential damage to school programs, teachers, and most of all, to students. To that end, the National Association for Music Education (NAfME) recommends the following:

### **1. Measures of student achievement used in teacher evaluation:**

- a. Must be based on student achievement that is directly attributable to the individual teacher, in the subject area taught by that teacher. Student achievement measures must be used with care, ensuring that they accurately reflect a given teacher's contributions.
- b. Must be based on evaluation instruments that accurately reflect the achievements they purport to measure. This implies that the evaluation instruments are used by individuals with sufficient expertise to accurately observe and interpret the outcomes under measurement.
- c. Must be created to evaluate the curriculum that is taught. This implies that such measures reflect national, state, and local standards and curricula and use clear criteria known to the teacher in advance.
- d. Must be developed and applied in the context of the number of students taught and the instructional time available.
- e. Must take into account, if they are based on growth models, the beginning level of achievement from which growth is expected to take place. The evaluation instrument must be capable of capturing all levels of achievement, including the very highest levels of mastery.
- f. Must work on a multi-year cycle to allow for appropriate professional development and growth, enabling the evaluation to meet its primary goal of helping teachers to improve their service to students.

## **2. Successful Music Teacher Evaluation:**

- a. Must include a balanced, comprehensive assessment of the teacher's contributions to student learning through multiple measures. These measures can and should collect information such as:
  - (1) Indicators of teacher practice, such as planning and preparation
  - (2) Indicators of the teacher's role in maintaining a productive classroom environment
  - (3) Indicators that instruction is designed to reach specified goals
  - (4) Indicators of teacher contribution to the school or district, as well as to the profession of teaching at large
  - (5) Indicators that students attain 21<sup>st</sup> century skills through instruction
- b. Must include measures of music student achievement along with the above indicators, as only one element of a teacher's evaluation. For evaluation of music teachers, measurements of student achievement should include evaluation in the three general areas of creating, performing, and responding. The relative weighting of measures in these three areas should be carefully designed to be commensurate with the nature of the class taught and the express educational goals for that class.
- c. Must, where the most easily observable outcomes of student learning in music are customarily measured in a collective manner (e.g., adjudicated ratings of large ensemble performances), limit the use of these data to valid and reliable measures and should form only part of a teacher's evaluation.
- d. Must avoid using school-wide measures other than those directly associated with music achievement. If the use of school-wide measures of attendance, dropout and graduation rates, and/or work habits is mandated, they should account for a minimal part of the music teacher's evaluation.
- e. Must limit observation-based teacher evaluations to those conducted by individuals with adequate training in music as well as in evaluation.