
“But Wait, There's More!”

By Kara T. Rozin / May 01, 2020

Executive Order 2020-65 Identifies New Requirements for 2019-2020 Michigan Teacher Evaluations and Great Start Readiness Programs

On April 30, 2020, Governor Whitmer issued [EO 2020-65](#), which replaces EO 2020-35. Much of the language was the same; however, EO 65 includes new requirements for teacher evaluations and the Great Start Readiness Program (“GSRP”) as well as waives strict compliance with a few other school requirements. A summary of the relevant additions/changes are below.

2019-2020 Teacher Evaluations under Article IV, Sections 8-15

- Probationary and tenured teachers who are on an Individualized Development Plan (“IDP”) as of March 13, 2020, must be evaluated this year. (IV.10)
 - Per the Tenure Act, MCL 38.83a, all probationary teachers (both five year and two year) are required to have an IDP in place.
 - Tenured teachers are required to have an IDP in place if they were rated less than Effective on their most recent year-end evaluation.
- The year-end evaluation must consider the teacher’s performance through March 13, 2020. (IV.10.a)
- The District may consider data after March 13, 2020, including the teacher’s performance in remote instruction activities. (IV.10.b)
- The District shall not consider data that is not available. (IV.11)
- A District may extend a teacher’s IDP through the final year-end evaluation (IV.14.a) or rate such teachers Effective or Highly Effective.
- If probationary teachers are rated Effective or Highly Effective, they acquire one year towards tenure status regardless of whether they completed a full school year. (IV.12)
- If a tenured teacher on an IDP is rated Effective or Highly Effective, they maintain continuing tenure. (IV.13)
- If a teacher on an IDP had a progress goal conditioned on data that is now no longer available, the District may waive that progress goal but is not required to. (IV.14.b)
- A District may evaluate teachers not on an IDP, but is not required to. (IV.15)
- If a District decides to evaluate a teacher not on an IDP, it must comply with the applicable provisions of Article IV, Sections 10 and 11 (which require evaluation of performance through March 13, 2020, and permits evaluation of performance after March 13, 2020, and precludes evaluation of criteria based on data not available due to the school closure period). (IV.15)
- There were no additions or changes to EO 65 that would require Administrator evaluations for 2019-2020. (IV.8)

Remember that teacher evaluations are a prohibited subject of bargaining under the Public Employment Relations Act (“PERA”), MCL 423.215(3)(l).

2019-2020 GSRP Plan Under Article II, Sections 16(a) – (c)

- Schools with a Great Start Readiness Program (“GSRP”) shall create a GSRP Plan for approval as an amendment or addendum to the District’s currently approved Continuity of Learning (“CoL”) Plan. The GSRP Plan should include:
 - How the GSRP teaching team will engage on an ongoing basis with enrolled children and families.
 - Provide children and families plans for the transition from GSRP to kindergarten.
 - A description of how GSRP funds and resources will be used to implement a modified program that is developmentally appropriate for the strengths, interests, and needs of each individualized child.
- Outreach to GSRP families on the GSRP Plan must include a virtual conference with families.
- Schools must implement GSRP Plans by May 7, 2020.
- Intermediate School Districts (“ISDs”) shall ensure Districts create GSRP Plans and maintain records of approved District GSRP Plans for continuing the GSRP for the remainder of the 2019–2020 school year.

For ISD CoL Plans: (EO 65 addition in Article II, Section 2(g))

- Any CoL Plan adopted by an ISD shall include a plan for early childhood services, including GSRP, compliant with the EO and guidance issued by the Michigan Department of Education (“MDE”). The Early Childhood Plan may be submitted for approval as an amendment or addendum to the ISD’s currently approved CoL Plan.

Other EO 65 Additions in Article I

- Article I, Section 10: waives strict compliance with rules and procedures under the Fire Prevention Code, MCL 29.19.
- Article I, Section 11: waives strict compliance with instruction requirements unmet by a district before March 11, 2020, pursuant to MCL 380.1169, 380.1506, and 380.1507(6), and the School Aid Act, MCL 388.1766a(1).
- Article I, Section 12: waives strict compliance with all compulsory attendance requirements and enforcement measures under MCL 380.1561 and MCL 380.1577 to 380.1599 for the 2019–2020 school year.
- Article I, Section 13: waives strict compliance with MCL 380.1170a(1), pertaining to psychomotor skills instruction requirements, except as described in the District’s approved CoL Plan.

If you have any questions about EO 2020-65, or its implications, please contact Kara Rozin or another member of the Clark Hill's Education Practice Group.