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May 18, 2023

Labor Committee
Michigan House of Representatives
124 North Capitol Avenue
Lansing, MI 48909

Dear Chair Haadsma and members of the House Labor Committee:

I urge the committee and the full House to pass House Bill 4354. Prior to 2011, educators bargained with administrators to create a fair system of evaluation and placement rights that resulted in a more professional collegial working environment in our schools. These rights were proven successful because while they were in place, teaching as a profession was in such high demand that surpluses were the problem, not shortages. Since these bargaining rights and many others were eliminated starting in 2011, Michigan has experienced educator shortages at a crisis level. **(1)**

I began teaching in 1989 and enjoyed a wonderful career as a respected educator in well-funded Michigan public schools. I was reasonably compensated and had good benefits and a defined pension. Throughout my career until 2011, my experience as an educator was the norm and teaching jobs were incredibly difficult to find in Michigan. Teacher turnover was also low at Center Line Schools and other districts where I worked.

That phase of my career ended in 2011 when dozens of bills began to be passed that were so detrimental to our public schools, my career, and the teaching profession as a whole, that we are now experiencing unprecedented educator shortages in Michigan (and throughout the country). The following excerpt and chart from the May 8, 2023 Macomb Daily illustrates just how far the teaching profession has fallen as a career choice in Michigan and the country. **(2)**

Data from the National Center for Education Statistics show that more than half of all public schools in the country reported that they were understaffed at the start of the 2022-23 school year and 69% reported that too few teacher candidates applying for open positions was the primary challenge. The shortage of teachers also stems from the number of students enrolling in education programs.

Year	Enrollees	Completers	Total
2013-14	18,483	4,720	23,203
2014-15	11,099	3,650	14,749
2015-16	7,868	3,120	10,988
2016-17	6,859	2,653	9,512
2017-18	7,183	2,511	9,694
2018-19	7,764	2,404	10,168
2019-20	9,760	2,258	12,018

Data Source: U.S. Department of Education Title II Report

According to the MDE enrollment in education programs has been declining significantly since the 2013-14 school year. At that time there were 23,203 students enrolled in Michigan education programs. By 2019-20 there were only 12,018.

As the President of the Center Line Education Association from 2003 to 2006 and as a member of many bargaining teams throughout my career, I worked with dozens of administrators and educators in helping to ensure all educators were evaluated fairly. Everyone I worked with understood what was expected in the evaluation process prior to the changes in the law in 2011. Being able to bargain evaluation and placement ensured everyone understood and agreed that evaluations were fair, professional, and resulted in having the best educators possible. This process worked well for decades. How do we know? Because the data shows that before 2011, teacher turnover was low and shortages were practically nonexistent.

Included with this report is a copy of the old language regarding teacher evaluations from the 2003-2006 Center Line Education Association Contract. I highlighted part 2.9 Teacher Evaluation Section A. which states,

“It is recognized by all parties that the primary purpose of teacher evaluation is professional improvement.” (3)

When I worked with administrators regarding teacher evaluations, the goal was always improvement. If teachers had negative evaluations before 2011, I and all union presidents were notified and we worked together as colleagues to help educators improve. If improvement didn't happen in a timely manner, we worked with administrators to ensure termination of employment was conducted fairly and professionally. My experience with most administrators regarding evaluation and placement prior to 2011 was very positive because everyone knew the rules and respected the process.

Then the changes came. I served as President of MEA Local 1 in Macomb County and Wayne County representing over 5,000 educators from 2010 to 2012 and again from 2017 to 2020 and worked with many educators during that time who were adversely affected by the new evaluation law where they had little to no say in how they were evaluated. Changes in the law resulted in many situations where different administrators in different buildings interpreted evaluation rules differently resulting in confusion as to how educators were evaluated. Even if an evaluation was poorly done and resulted in a negative review, educators were often affected by being moved to different positions and/or buildings arbitrarily and in some cases, terminated from their position without just cause.

Having little or no input from educators regarding evaluation and placement has resulted in a top down management style that may work in some private businesses but does not work in our public schools. The proof is in the educator shortages we see today. My experience prior to 2011 was that educators and administrators were used to treating each other as colleagues who shared many of the same educational qualifications. Voting yes on HB 4354 will help restore a more professional collegial working environment in our schools by re-establishing the rules that worked for decades prior to 2011. Also, an added benefit is that passage of HB 4354 has little cost to the taxpayers as stated in the House Fiscal Agency analysis of the bill.

Most important of all, voting yes on HB 4354 will improve the working school environment for everyone so that we can remain focused on creating the best educational experience for all our children.

Sincerely,



John Duffy

Sources-

1. <https://www.bridgemi.com/talent-education/fewer-michigan-college-students-want-be-teachers-thats-problem>
2. <https://www.macombdaily.com/2022/12/19/teachers-wanted-michigan-works-to-address-teacher-shortage/>
3. Addendum- Pages 16-18 of the 2003 to 2006 Center Line Public Schools Master Agreement

Star Curley
E.C.C.

CENTER LINE PUBLIC SCHOOLS

26400 Arsenal

Center Line, MI 48015

MASTER AGREEMENT

BETWEEN THE

CENTER LINE BOARD OF EDUCATION

AND

MEA/NEA LOCAL 1

FOR THE

CENTER LINE EDUCATION ASSOCIATION

2003 - 2004

2004 - 2005

2005 - 2006

school year.

- A. A list of available teaching positions will be published. The list will include:
 1. New teaching positions created by the realignment of classes.
 2. Teaching positions available because of transfer requests.
 3. Teaching positions vacant because of leaves, resignations, etc.
 4. Teaching positions available through implementation of Section 2.5 of the Master Agreement.
- B. All bargaining unit members affected by the above, teachers on leave, and teachers on layoff will indicate their choice of teaching position on an appropriate form. Teachers must be certified to be placed in any position.
- C. When possible, teachers involved in the reassignment process will be assigned by seniority to teaching positions of their choice providing that they are certified for the position.
- D. Teachers unable to have their choice of positions will be assigned to positions for which they are certified. Involuntary transfers may be necessary to accomplish this placement. The Association will be advised in writing as to who will be involuntarily transferred and the reason for the transfer. Involuntary transfers are not grievable.
- E. Teachers will be notified of the date on which assignments will be made. Teachers who have previously requested a transfer will have five (5) days to withdraw their request.
- F. If a teacher selects or is assigned a specific teaching position and the subject area of that position is changed prior to the opening day of school, the teacher and a representative of the Association will be given an opportunity to meet with the Administration and review the need for the change.
- G. The Association will be provided an opportunity for advisory input into these procedures. The Association will be invited to monitor the assignment.

2.8

Racial Balance

The foregoing (Sections 2.2 - 2.7) shall not be construed in such a way as to prohibit the Board from providing a racially-balanced staff in each school building, and the Association will cooperate with the Board in seeking and promoting the employment of minority group educators.

2.9

Teacher Evaluation

- A. It is recognized by all parties that the primary purpose of teacher evaluation is professional improvement. All monitoring or observation of the work performance of a teacher shall be conducted openly and with full knowledge of the teacher.
- B. Any discussion of teacher conduct shall be conducted in private. The administrator and/or teacher may reserve the right to have a representative of their respective group present during the discussion.
- C. A personnel record for each certified employee will be maintained in the office of the Superintendent. Information pertaining to the educational growth of the teacher will be made

available to the teacher in the presence of his/her appropriate administrator or to the appropriate educational or employing institution upon request. The only materials which shall not be shared in totality with teachers will be the pre-employment credentials from educational institutions and previous employers. Access to these records shall be limited to personnel authorized by the Superintendent. In no event shall any student or parent have access to these records or personnel data.

- D. All official evaluative information placed in the employee's personnel record will be made available for the teacher's signature. The teacher has the option to provide reactions in writing to data placed in his/her personnel record. Teachers will be given a copy of all other evaluative material placed in their personnel record.
1. If the teacher believes that material placed in his/her record any time after original employment is inappropriate or in error, he/she may receive adjustment, provided cause is shown, through the grievance procedure, whereupon the material will be corrected or expunged from the record if the grievance is upheld.
 2. Records of a non-recurring negative nature will be removed from a teacher's personnel record every three (3) years after the date of entry.
- E. The tenure policy in effect at the date of ratification of this Agreement shall remain in effect during the terms of this Agreement and shall be considered binding to both parties. Nothing in this Agreement shall in any way limit or modify the rights or responsibilities of the teacher or the Board under the Michigan Tenure Act.
- F. Non-certified persons within the Association shall be evaluated under the same conditions as above. Provisions for promotion, discharge, or demotion shall approximate, as closely as possible, those provisions provided for certified personnel. Where other avenues of appeal are lacking, appeals may be handled through the grievance procedure.
- G. Teacher Evaluation Program
1. Each teacher, tenure and non-tenure, being evaluated during a school year shall meet with his/her evaluating administrator at the beginning of the school year to be appraised of his/her responsibilities, the evaluation procedure, and the forms to be used.
 2. If there is a written observation, the teacher and the administrator shall meet within ten (10) school days to discuss the observation. This time limit may be waived by mutual agreement. If the teacher disagrees with the written observation, he/she may reply and have his/her comments attached to the observation.
 3. A copy of the written evaluation shall be given to the teacher at least one day prior to the conference between the administrator and the teacher. At the teacher's request, a representative of the Association may be present. The conference will be arranged at a time mutually acceptable to provide such representation.
 4. In all written evaluations, if areas of concern are noted, the evaluation will include recommendations for remediation of same.

The Association President shall be notified by the school district if any member, tenured or non-tenured, receives an evaluation or formal observation that is less than satisfactory in whole or in part. Notification to the Association President shall be given at least two (2) days prior to any conference taking place between the employee and the administrator.

5. Acknowledgement of reaching the expected level of performance will be indicated in writing.
6. The Association shall be given the opportunity for input into the evaluation procedure. The Administration will consult with the Association prior to the modification of school district policy, procedures, and evaluation forms including the Individual Development Plan format. These forms will be attached to each teacher's handbook and distributed at the opening of the school year.

2.10 Curriculum Council

As one method of bringing about desirable change in teaching methods, techniques, class composition, curriculum, and any other phase of the instructional program, the Board will cooperate in maintaining a professional staff Curriculum Council. This Council will provide effective communication with, and assistance to, the Board in making improvement in the instructional program. Requests for curriculum study shall not be limited to the teaching staff.

- A. The Council will be composed of representatives from Administration, the teaching staff, Board of Education, students, and parents as governed by the bylaws of the Curriculum Council. The President of the Association or his/her designee shall be a member of the Council. The Council may establish subsidiary study committees.
- B. The Council shall approve or disapprove changes and recommend proposed changes to the Board. All proposed changes to the established curriculum shall be submitted to the committee members at least thirty (30) days prior to any placement on the Council agenda for recommendation to the Board. The printed agenda shall be sent to committee members and posted in every building prior to each committee meeting. Minutes of each meeting shall be posted in every building.
- C. The Board shall act on all proposed changes. It may adopt, reject, or refer the proposals back to the Council for further study.
- D. Meetings of the Curriculum Council will be held outside school hours with no compensation.
- E. The Board will provide secretarial service and office supplies through existing channels to the Curriculum Council and will budget four thousand dollars (\$4,000) for its use in the study of program proposals and improvement of instruction such as teacher attendance at seminars, workshops, etc., in approved studies.
- F. A District Assessment committee involving teacher representatives and administrators from the buildings, central office administrators and the CLEA President or designee shall meet periodically or as needed. Participation on the committee will be voluntary.

2.11 Professional Participation - District, Building or Department Level

The Board and the Association recognize the importance of site based decision making/strategic planning. The parties agree that either or both planning processes shall contain adequate teacher representation. Both planning processes shall be voluntary, and there shall be no discipline or adverse evaluation for non-participation in the decision making process. Both parties agree that the intent of any school improvement plan is not to circumvent the terms and provisions of the master agreement.