

# Legislative Analysis

---



## **TEACHER EFFECTIVENESS: PARENTAL NOTIFICATION & CONSENT**

Mary Ann Cleary, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5776 (Substitute H-1)**  
**Sponsor: Rep. Maureen Stapleton**  
**Committee: Education**

**Complete to 11-30-12**

### **A SUMMARY OF HOUSE BILL 5776 (H-1) AS REPORTED FROM COMMITTEE**

House Bill 5776 (H-1) would require that school officials obtain written parental consent to place a student in a classroom with a teacher rated ineffective on the teacher's two most recent year-end evaluations. The bill amends two sections of the Revised School Code (MCL 380.1249 & 1249a). A more detailed description of the bill follows.

House Bill 5776 (H-1) requires that, beginning in the 2015-2016 school year, a school district, intermediate school district, or charter school planning to assign a student to be taught by a teacher who has been rated as ineffective on the teacher's two most recent annual year-end evaluations first obtain the written consent of the parent (or legal guardian) before finalizing that assignment. Currently under the law, a school district or charter school must simply notify a parent of a child's assignment to an ineffective teacher in cases where that teacher has been rated ineffective on the two most recent annual year-end evaluations.

Now under the law, the written notice to parents must be delivered by July 15 and must identify the teacher who is the subject of the notification. House Bill 5776 (H-1) would retain this provision. Further, House Bill 5776 (H-1) would require that the parental notification include a consent form that the parent (or legal guardian) could use to provide written consent, as well as a notice of a parent meeting. Under the bill, the parent meeting would be required to discuss the reasons why the teacher had been rated as ineffective.

Under the bill, if a school district or charter school did not receive, by August 1, a signed written consent form from the parent, then the schools would be required to assign the student for that school year only to one or more teachers who had been rated as at least minimally effective or better on their two most recent annual year-end evaluations.

House Bill 5776 (H-1) would specify, however, that none of these provisions would apply to the assignment of a student to a teacher who was in a probationary period.

Finally, under current law, the Governor's Council on Educator Effectiveness is developing a performance-based educator evaluation system for Michigan administrators and teachers. Since the council's creation in late 2010, it has been transferred from the Governor's Office to the Department of Technology, Management, and Budget, and

renamed the Michigan Council for Educator Effectiveness. House Bill 5776 (H-1) updates several subsections of the Revised School Code to make accurate references to the council. House Bill 5776 (H-1) also requires that school districts and charter schools use a teacher rating from the council's eventual performance evaluation system for the purpose of parental notification and consent (described above), if the school officials assign students to classrooms having ineffective teachers.

**FISCAL IMPACT:**

The bill would have an indeterminate fiscal impact but could create additional costs for school districts. To the extent that parents chose not to have their children in classes with a teacher rated ineffective, the bill could require staffing changes during the month before classes begin. The bill could result in a situation where a district had to hire additional staff while still having to pay the teacher rated as ineffective under an existing contract, even if the teacher had no students.

**POSITIONS:**

The Michigan Association of School Administrators opposes the bill. (11-28-12)

The Michigan Association of Intermediate School Administrators opposes the bill. (11-28-12)

The Michigan Elementary and Middle School Principals Association opposes the bill. (11-28-12)

The Michigan Association of School Boards opposes the bill. (11-28-12)

The Macomb Intermediate School District opposes the bill. (11-28-12)

Education Trust-Midwest opposes the bill. (11-28-12)

Legislative Analyst: J. Hunault  
Fiscal Analyst: Bethany Wicksall  
Mark Wolf

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.