

# HOUSE BILL No. 5776

July 18, 2012, Introduced by Reps. Stapleton, Rutledge, Horn, Jackson, Cavanagh, Ouimet and O'Brien and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1249 and 1249a (MCL 380.1249 and 380.1249a),  
section 1249 as amended and section 1249a as added by 2011 PA 102.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1249. (1) Not later than September 1, 2011, and subject  
2 to subsection (9), with the involvement of teachers and school  
3 administrators, the board of a school district or intermediate  
4 school district or board of directors of a public school academy  
5 shall adopt and implement for all teachers and school  
6 administrators a rigorous, transparent, and fair performance  
7 evaluation system that does all of the following:

8           (a) Evaluates the teacher's or school administrator's job  
9 performance at least annually while providing timely and  
10 constructive feedback.

1           (b) Establishes clear approaches to measuring student growth  
2 and provides teachers and school administrators with relevant data  
3 on student growth.

4           (c) Evaluates a teacher's or school administrator's job  
5 performance, using multiple rating categories that take into  
6 account data on student growth as a significant factor. For these  
7 purposes, student growth shall be measured by national, state, or  
8 local assessments and other objective criteria. If the performance  
9 evaluation system implemented by a school district, intermediate  
10 school district, or public school academy under this section does  
11 not already include the rating of teachers as highly effective,  
12 effective, minimally effective, and ineffective, then the school  
13 district, intermediate school district, or public school academy  
14 shall revise the performance evaluation system within 60 days after  
15 the effective date of the amendatory act that added this sentence  
16 to ensure that it rates teachers as highly effective, effective,  
17 minimally effective, or ineffective.

18           (d) Uses the evaluations, at a minimum, to inform decisions  
19 regarding all of the following:

20           (i) The effectiveness of teachers and school administrators,  
21 ensuring that they are given ample opportunities for improvement.

22           (ii) Promotion, retention, and development of teachers and  
23 school administrators, including providing relevant coaching,  
24 instruction support, or professional development.

25           (iii) Whether to grant tenure or full certification, or both, to  
26 teachers and school administrators using rigorous standards and  
27 streamlined, transparent, and fair procedures.

1 (iv) Removing ineffective tenured and untenured teachers and  
2 school administrators after they have had ample opportunities to  
3 improve, and ensuring that these decisions are made using rigorous  
4 standards and streamlined, transparent, and fair procedures.

5 (2) Beginning with the 2013-2014 school year, the board of a  
6 school district or intermediate school district or board of  
7 directors of a public school academy shall ensure that the  
8 performance evaluation system for teachers meets all of the  
9 following:

10 (a) The performance evaluation system shall include at least  
11 an annual year-end evaluation for all teachers. An annual year-end  
12 evaluation shall meet all of the following:

13 (i) For the annual year-end evaluation for the 2013-2014 school  
14 year, at least 25% of the annual year-end evaluation shall be based  
15 on student growth and assessment data. For the annual year-end  
16 evaluation for the 2014-2015 school year, at least 40% of the  
17 annual year-end evaluation shall be based on student growth and  
18 assessment data. Beginning with the annual year-end evaluation for  
19 the 2015-2016 school year, at least 50% of the annual year-end  
20 evaluation shall be based on student growth and assessment data.  
21 All student growth and assessment data shall be measured using the  
22 student growth assessment tool that is required under legislation  
23 enacted by the legislature under subsection (6) after review of the  
24 recommendations contained in the report of the ~~governor's council~~  
25 ~~on~~ **MICHIGAN COUNCIL FOR** educator effectiveness submitted under  
26 subsection (5).

27 (ii) If there are student growth and assessment data available

1 for a teacher for at least 3 school years, the annual year-end  
2 evaluation shall be based on the student growth and assessment data  
3 for the most recent 3-consecutive-school-year period. If there are  
4 not student growth and assessment data available for a teacher for  
5 at least 3 school years, the annual year-end evaluation shall be  
6 based on all student growth and assessment data that are available  
7 for the teacher.

8 (iii) The annual year-end evaluation shall include specific  
9 performance goals that will assist in improving effectiveness for  
10 the next school year and are developed by the school administrator  
11 or his or her designee conducting the evaluation, in consultation  
12 with the teacher, and any recommended training identified by the  
13 school administrator or designee, in consultation with the teacher,  
14 that would assist the teacher in meeting these goals. For a teacher  
15 described in subdivision (b), the school administrator or designee  
16 shall develop, in consultation with the teacher, an individualized  
17 development plan that includes these goals and training and is  
18 designed to assist the teacher to improve his or her effectiveness.

19 (b) The performance evaluation system shall include a midyear  
20 progress report for a teacher who is in the first year of the  
21 probationary period prescribed by section 1 of article II of 1937  
22 (Ex Sess) PA 4, MCL 38.81, or who received a rating of minimally  
23 effective or ineffective in his or her most recent annual year-end  
24 evaluation. The midyear progress report shall be used as a  
25 supplemental tool to gauge a teacher's improvement from the  
26 preceding school year and to assist a teacher to improve. All of  
27 the following apply to the midyear progress report:

1           (i) The midyear progress report shall be based at least in part  
2 on student achievement.

3           (ii) The midyear progress report shall be aligned with the  
4 teacher's individualized development plan under subdivision (a) (iii).

5           (iii) The midyear progress report shall include specific  
6 performance goals for the remainder of the school year that are  
7 developed by the school administrator conducting the annual year-  
8 end evaluation or his or her designee and any recommended training  
9 identified by the school administrator or designee that would  
10 assist the teacher in meeting these goals. At the midyear progress  
11 report, the school administrator or designee shall develop, in  
12 consultation with the teacher, a written improvement plan that  
13 includes these goals and training and is designed to assist the  
14 teacher to improve his or her rating.

15           (iv) The midyear progress report shall not take the place of an  
16 annual year-end evaluation.

17           (c) The performance evaluation system shall include classroom  
18 observations to assist in the performance evaluations. All of the  
19 following apply to these classroom observations:

20           (i) Except as provided in this subdivision, the manner in which  
21 a classroom observation is conducted shall be prescribed in the  
22 evaluation tool for teachers described in subdivision (d).

23           (ii) A classroom observation shall include a review of the  
24 teacher's lesson plan and the state curriculum standard being used  
25 in the lesson and a review of pupil engagement in the lesson.

26           (iii) A classroom observation does not have to be for an entire  
27 class period.

1           (iv) Unless a teacher has received a rating of effective or  
2 highly effective on his or her 2 most recent annual year-end  
3 evaluations, there shall be multiple classroom observations of the  
4 teacher each school year.

5           (d) For the purposes of conducting annual year-end evaluations  
6 under the performance evaluation system, the school district,  
7 intermediate school district, or public school academy shall adopt  
8 and implement the state evaluation tool for teachers that is  
9 required under legislation enacted by the legislature under  
10 subsection (6) after review of the recommendations contained in the  
11 report of the ~~governor's council on~~ **MICHIGAN COUNCIL FOR** educator  
12 effectiveness submitted under subsection (5). However, if a school  
13 district, intermediate school district, or public school academy  
14 has a local evaluation tool for teachers that is consistent with  
15 the state evaluation tool, the school district, intermediate school  
16 district, or public school academy may conduct annual year-end  
17 evaluations for teachers using that local evaluation tool.

18           (e) The performance evaluation system shall assign an  
19 effectiveness rating to each teacher of highly effective,  
20 effective, minimally effective, or ineffective, based on his or her  
21 score on the annual year-end evaluation described in this  
22 subsection.

23           (f) As part of the performance evaluation system, and in  
24 addition to the requirements of section 1526, a school district,  
25 intermediate school district, or public school academy is  
26 encouraged to assign a mentor or coach to each teacher who is  
27 described in subdivision (b).

1 (g) The performance evaluation system may allow for exemption  
2 of student growth data for a particular pupil for a school year  
3 upon the recommendation of the school administrator conducting the  
4 annual year-end evaluation or his or her designee and approval of  
5 the school district superintendent or his or her designee,  
6 intermediate superintendent or his or her designee, or chief  
7 administrator of the public school academy, as applicable.

8 (h) The performance evaluation system shall provide that, if a  
9 teacher is rated as ineffective on 3 consecutive annual year-end  
10 evaluations, the school district, public school academy, or  
11 intermediate school district shall dismiss the teacher from his or  
12 her employment. This subdivision does not affect the ability of a  
13 school district, intermediate school district, or public school  
14 academy to dismiss an ineffective teacher from his or her  
15 employment regardless of whether the teacher is rated as  
16 ineffective on 3 consecutive annual year-end evaluations.

17 (i) The performance evaluation system shall provide that, if a  
18 teacher is rated as highly effective on 3 consecutive annual year-  
19 end evaluations, the school district, intermediate school district,  
20 or public school academy may choose to conduct a year-end  
21 evaluation biennially instead of annually. However, if a teacher is  
22 not rated as highly effective on 1 of these biennial year-end  
23 evaluations, the teacher shall again be provided with annual year-  
24 end evaluations.

25 (j) The performance evaluation system shall provide that, if a  
26 teacher who is not in a probationary period prescribed by section 1  
27 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as

1 ineffective on an annual year-end evaluation, the teacher may  
2 request a review of the evaluation and the rating by the school  
3 district superintendent, intermediate superintendent, or chief  
4 administrator of the public school academy, as applicable. The  
5 request for a review must be submitted in writing within 20 days  
6 after the teacher is informed of the rating. Upon receipt of the  
7 request, the school district superintendent, intermediate  
8 superintendent, or chief administrator of the public school  
9 academy, as applicable, shall review the evaluation and rating and  
10 may make any modifications as appropriate based on his or her  
11 review. However, the performance evaluation system shall not allow  
12 for a review as described in this subdivision more than twice in a  
13 3-school-year period.

14 (3) Beginning with the 2013-2014 school year, the board of a  
15 school district or intermediate school district or board of  
16 directors of a public school academy shall ensure that the  
17 performance evaluation system for building-level school  
18 administrators and for central office-level school administrators  
19 who are regularly involved in instructional matters meets all of  
20 the following:

21 (a) The performance evaluation system shall include at least  
22 an annual year-end evaluation for all school administrators  
23 described in this subsection by the school district superintendent  
24 or his or her designee, intermediate superintendent or his or her  
25 designee, or chief administrator of the public school academy, as  
26 applicable, except that a superintendent or chief administrator  
27 shall be evaluated by the board or board of directors.



1           (b) For the annual year-end evaluation for the 2013-2014  
2 school year, at least 25% of the annual year-end evaluation shall  
3 be based on student growth and assessment data. For the annual  
4 year-end evaluation for the 2014-2015 school year, at least 40% of  
5 the annual year-end evaluation shall be based on student growth and  
6 assessment data. Beginning with the annual year-end evaluation for  
7 the 2015-2016 school year, at least 50% of the annual year-end  
8 evaluation shall be based on student growth and assessment data.  
9 The student growth and assessment data to be used for the school  
10 administrator annual year-end evaluation are the aggregate student  
11 growth and assessment data that are used in teacher annual year-end  
12 evaluations in each school in which the school administrator works  
13 as an administrator or, for a central-office level school  
14 administrator, for the entire school district or intermediate  
15 school district.

16           (c) The portion of the annual year-end evaluation that is not  
17 based on student growth and assessment data shall be based on at  
18 least the following for each school in which the school  
19 administrator works as an administrator or, for a central-office  
20 level school administrator, for the entire school district or  
21 intermediate school district:

22           (i) If the school administrator conducts teacher performance  
23 evaluations, the school administrator's training and proficiency in  
24 using the evaluation tool for teachers described in subsection  
25 (2)(d), including a random sampling of his or her teacher  
26 performance evaluations to assess the quality of the school  
27 administrator's input in the teacher performance evaluation system.

1 If the school administrator designates another person to conduct  
2 teacher performance evaluations, the evaluation of the school  
3 administrator on this factor shall be based on the designee's  
4 training and proficiency in using the evaluation tool for teachers  
5 described in subsection (2)(d), including a random sampling of the  
6 designee's teacher performance evaluations to assess the quality of  
7 the designee's input in the teacher performance evaluation system,  
8 with the designee's performance to be counted as if it were the  
9 school administrator personally conducting the teacher performance  
10 evaluations.

11 (ii) The progress made by the school or school district in  
12 meeting the goals set forth in the school's school improvement plan  
13 or the school district's school improvement plans.

14 (iii) Pupil attendance in the school or school district.

15 (iv) Student, parent, and teacher feedback, and other  
16 information considered pertinent by the superintendent or other  
17 school administrator conducting the performance evaluation or the  
18 board or board of directors.

19 (d) For the purposes of conducting performance evaluations  
20 under the performance evaluation system, the school district,  
21 intermediate school district, or public school academy shall adopt  
22 and implement the state evaluation tool for school administrators  
23 described in this subsection that is required under legislation  
24 enacted by the legislature under subsection (6) after review of the  
25 recommendations contained in the report of the ~~governor's council~~  
26 ~~on~~ **MICHIGAN COUNCIL FOR** educator effectiveness submitted under  
27 subsection (5). However, if a school district, intermediate school

1 district, or public school academy has a local evaluation tool for  
2 school administrators described in this subsection that is  
3 consistent with the state evaluation tool, the school district,  
4 intermediate school district, or public school academy may conduct  
5 performance evaluations for school administrators using that local  
6 evaluation tool.

7 (e) The performance evaluation system shall assign an  
8 effectiveness rating to each school administrator described in this  
9 subsection of highly effective, effective, minimally effective, or  
10 ineffective, based on his or her score on the evaluation tool  
11 described in subdivision (d).

12 (f) The performance evaluation system shall ensure that if a  
13 school administrator described in this subsection is rated as  
14 minimally effective or ineffective, the person or persons  
15 conducting the evaluation shall develop and require the school  
16 administrator to implement an improvement plan to correct the  
17 deficiencies. The improvement plan shall recommend professional  
18 development opportunities and other measures designed to improve  
19 the rating of the school administrator on his or her next annual  
20 year-end evaluation.

21 (g) The performance evaluation system shall provide that, if a  
22 school administrator described in this subsection is rated as  
23 ineffective on 3 consecutive annual year-end evaluations, the  
24 school district, public school academy, or intermediate school  
25 district shall dismiss the school administrator from his or her  
26 employment. However, this subdivision applies only if the 3  
27 consecutive annual year-end evaluations are conducted using the

1 same evaluation tool and under the same performance evaluation  
2 system. This subdivision does not affect the ability of a school  
3 district, intermediate school district, or public school academy to  
4 dismiss an ineffective school administrator from his or her  
5 employment regardless of whether the school administrator is rated  
6 as ineffective on 3 consecutive annual year-end evaluations.

7 (h) The performance evaluation system shall provide that, if a  
8 school administrator is rated as highly effective on 3 consecutive  
9 annual year-end evaluations, the school district, intermediate  
10 school district, or public school academy may choose to conduct a  
11 year-end evaluation biennially instead of annually. However, if a  
12 school administrator is not rated as highly effective on 1 of these  
13 biennial year-end evaluations, the school administrator shall again  
14 be provided with annual year-end evaluations.

15 (4) The ~~governor's council on~~ **MICHIGAN COUNCIL FOR** educator  
16 effectiveness is created as a temporary commission described in  
17 ~~section 4 of article V of the state constitution of 1963.~~ **IN THE**  
18 **DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET.** All of the  
19 following apply to the ~~governor's council on~~ **MICHIGAN COUNCIL FOR**  
20 educator effectiveness:

21 (a) The ~~governor's council on~~ **MICHIGAN COUNCIL FOR** educator  
22 effectiveness shall consist of the following 5 voting members:

23 (i) The governor shall appoint 3 members.

24 (ii) The senate majority leader shall appoint 1 member.

25 (iii) The speaker of the house of representatives shall appoint  
26 1 member.

27 (b) In addition to the members appointed under subdivision

1 (a), the superintendent of public instruction or his or her  
2 designee shall serve as a nonvoting member.

3 (c) The members appointed under subdivision (a), and the  
4 designee of the superintendent of public instruction if he or she  
5 appoints a designee, shall have expertise in 1 or more of the  
6 following areas: psychometrics, measurement, performance-based  
7 educator evaluation models, educator effectiveness, or development  
8 of educator evaluation frameworks in other states.

9 (d) Not later than October 31, 2011, the ~~governor's council on~~  
10 **MICHIGAN COUNCIL FOR** educator effectiveness shall contract with 1  
11 or more additional experts in the areas described in subdivision  
12 (c) as the council considers necessary.

13 (e) The governor shall appoint an advisory committee for the  
14 ~~governor's council on~~ **MICHIGAN COUNCIL FOR** educator effectiveness  
15 to provide input on the council's recommendations. The advisory  
16 committee shall consist of public school teachers, public school  
17 administrators, and parents of public school pupils.

18 ~~— (f) The governor's office shall provide staffing and support~~  
19 ~~for the governor's council on educator effectiveness.~~

20 (5) Not later than April 30, 2012, the ~~governor's council on~~  
21 **MICHIGAN COUNCIL FOR** educator effectiveness shall submit to the  
22 state board, the governor, and the legislature a report that  
23 identifies and recommends all of the following for the purposes of  
24 this section and that includes recommendations on evaluation  
25 processes and other matters related to the purposes of this  
26 section:

27 (a) A student growth and assessment tool. The student growth

1 and assessment tool shall meet all of the following:

2 (i) Is a value-added model that takes into account student  
3 achievement and assessment data, and is based on an assessment tool  
4 that has been determined to be reliable and valid for the purposes  
5 of measuring value-added data.

6 (ii) In addition to measuring student growth in the core  
7 subject areas of mathematics, science, English language arts, and  
8 social science, will measure student growth in other subject areas.

9 (iii) Complies with all current state and federal law for  
10 students with a disability.

11 (iv) Has at least a pre- and post-test.

12 (v) Is able to be used for pupils of all achievement levels.

13 (b) A state evaluation tool for teachers. All of the following  
14 apply to this recommendation:

15 (i) In addition to the student growth and assessment tool, the  
16 recommended state evaluation tool for teachers may include, but is  
17 not limited to, instructional leadership abilities, teacher and  
18 pupil attendance, professional contributions, training, progress  
19 report achievement, school improvement plan progress, peer input,  
20 and pupil and parent feedback.

21 (ii) The council shall ensure that the recommended state  
22 evaluation tool for teachers will allow all special education  
23 teachers to be rated.

24 (iii) The council shall seek input from school districts,  
25 intermediate school districts, and public school academies that  
26 have already developed and implemented successful, effective  
27 performance evaluation systems.

1 (c) A state evaluation tool for school administrators  
2 described in subsection (3). In addition to the student growth and  
3 assessment tool, the recommended state evaluation tool for these  
4 school administrators may include, but is not limited to, teacher  
5 and pupil attendance, graduation rates, professional contributions,  
6 training, progress report achievement, school improvement plan  
7 progress, peer input, and pupil and parent feedback.

8 (d) For the purposes of the recommended state evaluation tools  
9 for teachers and school administrators under subdivisions (b) and  
10 (c), recommended parameters for the effectiveness rating categories  
11 for teachers under subsection (2)(e) and for school administrators  
12 under subsection (3)(e).

13 (e) Recommended changes to be made in the requirements for a  
14 professional education teaching certificate that will ensure that a  
15 teacher is not required to complete additional postsecondary credit  
16 hours beyond the credit hours required for a provisional teaching  
17 certificate.

18 (f) A process for evaluating and approving local evaluation  
19 tools for teachers under subsection (2)(d) and school  
20 administrators under subsection (3)(d).

21 (6) It is the intent of the legislature to review the report  
22 submitted by the ~~governor's council on~~ **MICHIGAN COUNCIL FOR**  
23 educator effectiveness under subsection (5) and to enact  
24 appropriate legislation to put into place a statewide performance  
25 evaluation system taking into consideration the recommendations  
26 contained in the report.

27 (7) If all of the following apply for a public school operated

1 by a school district, intermediate school district, or public  
2 school academy, then the school district, intermediate school  
3 district, or public school academy is not required to comply with  
4 subsection (2) or (3) for that public school:

5 (a) As of the effective date of this subsection, the school  
6 district, intermediate school district, or public school academy  
7 has already implemented and is currently using a performance  
8 evaluation system for that public school that meets all of the  
9 following requirements:

10 (i) Under the system, the most significant portion of a  
11 teacher's or school administrator's evaluation is based on student  
12 growth and assessment data, which may include value-added measures.

13 (ii) The system uses research-based measures to determine  
14 student growth, which may be measured by standards-based,  
15 nationally normed assessments.

16 (iii) The system determines professional competence through  
17 multiple direct observations of classroom practices and  
18 professional practices throughout the school year.

19 (iv) Under the system, teacher effectiveness and ratings, as  
20 measured by student achievement and growth data, are factored into  
21 teacher retention, promotion, and termination decisions.

22 (v) Under the system, teacher and school administrator  
23 performance evaluation results are used to inform teacher  
24 professional development for the succeeding year.

25 (vi) The system ensures that teachers and school administrators  
26 are evaluated at least annually.

27 (b) The school district, intermediate school district, or



1 public school academy notifies the ~~governor's council on~~ **MICHIGAN**  
2 **COUNCIL FOR** educator effectiveness by November 1, 2011 that it is  
3 exempt under this subsection from the requirements of subsections  
4 (2) and (3).

5 (c) The school district, intermediate school district, or  
6 public school academy posts a description of its evaluation system  
7 on its website.

8 (8) If, after the effective date of this subsection, a school  
9 district, intermediate school district, or public school academy  
10 begins operating a new public school, or implements a new  
11 performance evaluation system for a public school it operates, and  
12 all of the following apply, then the school district, intermediate  
13 school district, or public school academy is not required to comply  
14 with subsection (2) or (3) for that public school:

15 (a) The performance evaluation system adopted and implemented  
16 for that public school replicates and is identical to the  
17 performance evaluation system of a public school that is exempt  
18 under subsection (7).

19 (b) The school district, intermediate school district, or  
20 public school academy posts a description of the performance  
21 evaluation system on its website.

22 (9) If a collective bargaining agreement is in effect for  
23 teachers or school administrators of a school district, public  
24 school academy, or intermediate school district as of ~~the effective~~  
25 ~~date of the 2011 amendatory act that amended this subsection,~~ **JULY**  
26 **19, 2011,** and if that collective bargaining agreement prevents  
27 compliance with subsection (1), then subsection (1) does not apply

1 to that school district, public school academy, or intermediate  
 2 school district until after the expiration of that collective  
 3 bargaining agreement.

4 (10) A school district, intermediate school district, or  
 5 public school academy shall continue to conduct the evaluations for  
 6 school principals that are currently required by the department  
 7 through the 2010-2011 school year. At the end of the 2010-2011  
 8 school year, a school district, intermediate school district, or  
 9 public school academy shall report the most recently completed or  
 10 determined "effectiveness label" from that evaluation for each  
 11 principal who is in place for 2010-2011, in a form and manner  
 12 prescribed by the department.

13 (11) **IN ADDITION TO THE PURPOSES PRESCRIBED UNDER THIS**  
 14 **SECTION, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC**  
 15 **SCHOOL ACADEMY SHALL USE A TEACHER'S RATING FROM ITS PERFORMANCE**  
 16 **EVALUATION SYSTEM UNDER THIS SECTION FOR THE PURPOSES OF SECTION**  
 17 **1249A.**

18 Sec. 1249a. (1) Beginning in 2015-2016, if a **SCHOOL DISTRICT,**  
 19 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY PLANS TO**  
 20 **ASSIGN A** pupil ~~is assigned~~ to be taught by a teacher who has been  
 21 rated as ineffective on his or her 2-most recent annual year-end  
 22 ~~evaluations~~ **EVALUATION** under section 1249, the board of the school  
 23 district or intermediate school district or board of directors of  
 24 the public school academy in which the pupil is enrolled shall  
 25 notify the pupil's parent or legal guardian that the pupil has been  
 26 **TENTATIVELY** assigned to a teacher who has been rated as ineffective  
 27 on his or her 2-most recent annual year-end ~~evaluations~~ **EVALUATION**

1 AND THAT THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR  
2 PUBLIC SCHOOL ACADEMY MUST OBTAIN THE WRITTEN CONSENT OF THE PARENT  
3 OR LEGAL GUARDIAN BEFORE FINALIZING THAT ASSIGNMENT. The  
4 notification shall be in writing, shall be delivered to the parent  
5 or legal guardian not later than July 15 immediately preceding the  
6 beginning of the school year for which the pupil is assigned to the  
7 teacher, ~~and~~ shall identify the teacher who is the subject of the  
8 notification, AND SHALL INCLUDE A CONSENT FORM THAT THE PARENT OR  
9 LEGAL GUARDIAN MAY USE TO PROVIDE THE WRITTEN CONSENT. THE CONSENT  
10 FORM SHALL STATE THAT THE PARENT OR LEGAL GUARDIAN AGREES TO THE  
11 ASSIGNMENT OF HIS OR HER CHILD TO A TEACHER WHO HAS BEEN RATED AS  
12 INEFFECTIVE ON HIS OR HER MOST RECENT ANNUAL YEAR-END EVALUATION.

13 (2) IF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR  
14 PUBLIC SCHOOL ACADEMY DOES NOT RECEIVE BY NOT LATER THAN AUGUST 1  
15 BEFORE THE BEGINNING OF A SCHOOL YEAR A WRITTEN CONSENT FORM THAT  
16 STATES THAT THE PARENT OR LEGAL GUARDIAN OF A PUPIL AGREES TO THE  
17 ASSIGNMENT OF HIS OR HER CHILD TO A TEACHER WHO HAS BEEN RATED AS  
18 INEFFECTIVE ON HIS OR HER MOST RECENT ANNUAL YEAR-END EVALUATION  
19 AND THAT IS SIGNED BY THE PARENT OR LEGAL GUARDIAN OF THE PUPIL,  
20 THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC  
21 SCHOOL ACADEMY SHALL ASSIGN THE PUPIL FOR THAT SCHOOL YEAR ONLY TO  
22 1 OR MORE TEACHERS WHO HAVE BEEN RATED AS AT LEAST MINIMALLY  
23 EFFECTIVE OR BETTER ON HIS OR HER MOST RECENT ANNUAL YEAR-END  
24 EVALUATION.