

**SUBSTITUTE FOR
HOUSE BILL NO. 5910**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1231 (MCL 380.1231), as amended by 2020 PA 23,
and by adding section 1851b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1231. (1) Except as otherwise provided in subsections
2 (5), ~~and (6)~~, **and (7)**, the board of a school district shall hire
3 and contract with qualified teachers. Contracts with teachers must
4 be in writing and signed on behalf of the school district by a
5 majority of the board, by the president and secretary of the board,
6 or by the superintendent of schools or an authorized representative
7 of the board. The contracts must specify the wages agreed upon.
8 (2) The board of a school district shall file a teacher's



1 contract with the secretary of the board and shall furnish a
2 duplicate copy of the contract to the teacher.

3 (3) Except as otherwise provided under this act, a contract
4 with a teacher is not valid unless the individual holds a valid
5 teaching certificate or is engaged to teach under section 1233b at
6 the time the contractual period begins or the individual is engaged
7 to teach in a community district under section 1233c. A contract
8 terminates if the certificate expires by limitation and is not
9 renewed immediately or if it is suspended or revoked by proper
10 legal authority.

11 (4) The board of a school district, after a teacher has been
12 employed at least 2 consecutive years by the board, may enter into
13 a continuing contract with a certificated teacher or a teacher
14 engaged to teach under section 1233b or, for a community district,
15 with an individual engaged to teach in a community district under
16 section 1233c.

17 (5) The board of a school district that is a community
18 district may employ or contract for, or both, qualified teachers
19 and other qualified instructional personnel at a public school that
20 formerly operated as an achievement school as necessary to carry
21 out the purposes of the community district.

22 (6) If a school district partners with an education management
23 organization for a dropout recovery program as described ~~under~~**in**
24 section 23a of the state school aid act of 1979, MCL 388.1623a, the
25 teacher of record for that program may be employed by or contracted
26 through the education management organization.

27 **(7) If a school district is a provider of virtual courses**
28 **under section 21f of the state school aid act of 1979, MCL**
29 **388.1621f, the board of the school district may contract for**



1 **qualified teachers and other qualified instructional personnel.**

2 (8) ~~(7)~~—As used in this section:

3 (a) "Achievement school" means a public school formerly within
4 the education achievement system that was operated, managed,
5 authorized, established, or overseen by the achievement authority.

6 (b) "Education management organization" means that term as
7 defined in section 23a of the state school aid act of 1979, MCL
8 388.1623a.

9 (c) "Provider" means that term as defined in section 21f of
10 the state school aid act of 1979, MCL 388.1621f.

11 (d) ~~(e)~~—"Teacher" does not include a substitute teacher.

12 (e) ~~(d)~~—"Teacher of record" means that term as defined in
13 section 23a of the state school aid act of 1979, MCL 388.1623a.

14 **Sec. 1851b. (1) Subject to subsection (6), the department**
15 **shall develop or adopt a program for the use of e-learning days**
16 **that meets all of the requirements listed in subsection (4) that**
17 **may, beginning with the 2021-2022 school year, be adopted and**
18 **subsequently renewed and implemented by school districts,**
19 **intermediate school districts, and public school academies.**

20 (2) Subject to subsection (6), beginning with the 2021-2022
21 school year, the board of a school district or intermediate school
22 district or board of directors of a public school academy, by a
23 resolution of the board or board of directors, may adopt a
24 research-based program or programs and subsequently renew its
25 adoption of a research-based program or programs for e-learning
26 days that permit pupil instruction to be received electronically or
27 remotely on e-learning days. The board of a school district or
28 intermediate school district or board of directors of a public
29 school academy that adopts or renews a program or programs for e-



1 learning days under this subsection shall do both of the following:

2 (a) The board of an intermediate school district shall submit
3 its adopted or renewed program or programs for e-learning days to
4 the department not later than 14 days following the adoption or
5 renewal. The board of a school district shall submit its adopted or
6 renewed program or programs for e-learning days to its intermediate
7 school district not later than 14 days following the adoption or
8 renewal. The board of directors of a public school academy shall
9 submit its adopted or renewed program or programs for e-learning
10 days to its authorizing body not later than 14 days following the
11 adoption or renewal.

12 (b) Make its adopted or renewed program or programs for e-
13 learning days accessible through the transparency reporting link
14 located on the school district's, intermediate school district's,
15 or public school academy's website.

16 (3) A program or programs described in this section must not
17 provide for e-learning days each school year in an amount that
18 exceeds the number of e-learning days that may be counted as days
19 of pupil instruction under section 101(4) (b), (c), and (d) of the
20 state school aid act of 1979, MCL 388.1701, for that school year,
21 as specified in that section.

22 (4) A school district, intermediate school district, or public
23 school academy shall not implement a program or programs described
24 in subsection (2) unless the board of the school district or
25 intermediate school district or board of directors of the public
26 school academy ensures that, at a minimum, all of the following are
27 met:

28 (a) All pupils enrolled in the school district, intermediate
29 school district, or public school academy that will be implementing



1 the program or programs will have access to the program or
2 programs.

3 (b) The specific needs of each pupil who will participate in
4 the program or programs are taken into account, including, but not
5 limited to, the needs of special education pupils and pupils
6 identified as English language learners.

7 (c) The program or programs are designed to comply with other
8 requirements under this act and the state school aid act of 1979.

9 (d) Except as otherwise provided under subdivision (g), all
10 teachers and other school staff who will be participating in the
11 program or programs will have access to any and all necessary
12 hardware or software for participation in the program or programs.

13 (e) The program or programs offer at least 5 hours of
14 instructional content or schoolwork on each e-learning day.

15 (f) Except as otherwise provided under subdivision (g), the
16 program or programs provide for, at a minimum, computers, internet,
17 and other forms of electronic communication that are required for
18 the program or programs and that can be accessed from home or from
19 other appropriate remote facilities by all pupils participating in
20 the program or programs.

21 (g) The program or programs provide for nonelectronic
22 materials to be made available to both of the following individuals
23 if both of the following individuals are not provided with access
24 to the necessary technology for the program or programs:

25 (i) Pupils who are participating in the program or programs.

26 (ii) Teachers or other school staff who are participating in
27 the program or programs.

28 (h) The program or programs provide for appropriate learning
29 opportunities for pupils with special needs.



1 (i) The program or programs provide for a method to verify
2 each pupil's participation in the program or programs.

3 (j) The program or programs provide for a process for tracking
4 pupil progress and for addressing the extent to which pupil
5 participation is within the pupil's control with regard to the
6 time, pace, and means of learning.

7 (k) The program or programs provide for effective notice to
8 pupils and their parents or legal guardians concerning the use of
9 particular school days as e-learning days.

10 (l) The program or programs provide for adequate training in
11 the use of the program or programs for pupils, teachers, and other
12 school staff who will participate in the program or programs.

13 (m) The program or programs provide for a means of ensuring
14 that protocol concerning the general expectations and
15 responsibilities of the program or programs is communicated to
16 teachers, other school staff members, and pupils who will
17 participate in the program or programs and the parents and legal
18 guardians of pupils.

19 (5) An adoption of a program or programs by a school district,
20 intermediate school district, or public school academy or the
21 renewal of an adoption of a program or programs by a school
22 district, intermediate school district, or public school academy
23 under this section expires 1 year after the adoption or renewal.

24 (6) Before a program or programs are adopted or the adoption
25 is renewed by the board of a school district or intermediate school
26 district or board of directors of a public school academy under
27 this section, a public hearing on the proposed adoption or renewal
28 of the adoption of the program or programs must be held. All of the
29 following must be met concerning a public hearing described in this



1 subsection:

2 (a) The public hearing must be held at a meeting of the board
3 or board of directors and is subject to the same requirements that
4 apply to a meeting under the open meetings act, 1976 PA 267, MCL
5 15.261 to 15.275.

6 (b) The terms of the proposed program or programs subject to
7 adoption or renewal must be substantially presented at the public
8 hearing.

9 (c) The public hearing must provide for the opportunity for
10 public comments.

11 (d) Notice of the public hearing must be provided not later
12 than 10 days before the hearing through written or electronic means
13 designed to reach the parents or legal guardians of all pupils
14 enrolled in the school district, intermediate school district, or
15 public school academy.

16 (7) A program or programs for e-learning days under this
17 section may provide for pupil instruction and interaction between
18 teachers and pupils participating in the program or programs
19 through the use of any of the following forms of electronic
20 communication that meet the needs of all pupils participating in
21 the program or programs:

22 (a) The internet.

23 (b) Telephones.

24 (c) Text messaging.

25 (d) Online chat room platforms.

26 (e) Means of electronic communication that are similar to
27 those listed in subdivisions (a) to (d).

28 (8) The department may promulgate rules to implement this
29 section that are consistent with this section.



1 (9) As used in this section, "e-learning day" means any of the
2 following:

3 (a) A day on which pupil instruction is received
4 electronically or remotely through a program or programs adopted or
5 renewed under this section while pupils are not physically present
6 at school because the school is closed due to conditions described
7 in section 101(4) (a) of the state school aid act of 1979, MCL
8 388.1701.

9 (b) A day that is preplanned by the school district,
10 intermediate school district, or public school academy on which
11 pupil instruction is received electronically or remotely through a
12 program or programs adopted or renewed under this section while
13 pupils are not physically present at school. A day described in
14 this subdivision cannot be scheduled to occur on a Monday or
15 Friday, on a day immediately before or immediately following a
16 scheduled break during which the schools operated by the school
17 district, intermediate school district, or public school academy
18 will not be in session, or on consecutive days.

19 (c) A day on which pupil instruction is received
20 electronically or remotely through a program or programs adopted or
21 renewed under this section while pupils are not physically present
22 at school because the school district, intermediate school
23 district, or public school academy that operates the school closes
24 the school as required under subsection (11) after receiving a
25 notice from the superintendent of public instruction under
26 subsection (11).

27 (10) The board of a school district or intermediate school
28 district or board of directors of a public school academy that
29 adopts or renews its adoption of a program or programs for e-



1 learning days under this section shall ensure that e-learning days
2 as described in subsection (9) (b) are identified on its school
3 calendar for each school year.

4 (11) If the governor issues an executive order declaring a
5 state of emergency or state of disaster and, pursuant to that
6 executive order, 1 or more public schools is required to close, the
7 superintendent of public instruction shall send a notice of the
8 required closure to the school district, intermediate school
9 district, or public school academy that operates each school that
10 is required to close under the order. The notice described in this
11 subsection must specify the days for which the school must remain
12 closed under the order. A school district, intermediate school
13 district, or public school academy that has adopted or renewed a
14 program or programs under this section, upon receiving a notice
15 under this subsection, shall close the applicable school on the
16 days specified in the notice and provide pupil instruction
17 electronically or remotely through the program or programs it
18 adopted or renewed under this section on those days.

19 Enacting section 1. This amendatory act does not take effect
20 unless all of the following bills of the 100th Legislature are
21 enacted into law:

- 22 (a) House Bill No. 5911.
23 (b) House Bill No. 5912.
24 (c) House Bill No. 5913.

