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House Bill 4090 (Substitute H-2)
First Analysis (9-25-90)

Sponsor: Rep. Joe Young, Sr.
Committee: Education

THE APPARENT PROBLEM:

The School Code requires school districts to employ "qualified" teachers to teach adult education classes, but does not require that these instructors hold teaching certificates. Education officials point out that teachers of adult basic education and high school completion courses have the same qualifications as those teaching in regular K-12 programs, and teach the same classes. There is general agreement among educators that adult education teachers should hold teaching certificates, and as a practical matter, districts have been strongly encouraged by departmental policy to hire certified teachers. Further, the 1990-91 State School Aid Act prohibits districts from employing noncertified teachers for adult basic education or high school completion courses. Some people contend that the policy would be given greater force if the requirement were contained in the School Code.

THE CONTENT OF THE BILL:

The bill would amend the School Code to require school districts to employ certified teachers to teach adult basic education, high school completion courses, or general educational development (GED) test preparation courses.

MCL 380.1233

FISCAL IMPLICATIONS:

According to the Department of Education, the bill would have no fiscal implications for the state. However, local school districts could face additional administrative costs and costs for higher teacher salaries, primarily due to tenure eligibility and possible increased collective bargaining activity by adult education teachers. (4-19-89)

ARGUMENTS:

For:

Educators agree that adult education classes should be taught by qualified teachers, and certification is generally held to be evidence of those qualifications. Instructors who teach in adult education should be subject to the same requirements as those who teach in regular K-12 programs; they teach the same subjects and are preparing students for post-diploma work or higher education, just as K-12 teachers are. In fact, the Department of Education has long interpreted the code's requirement that school districts hire "qualified" adult education teachers as a requirement for certification, and has advised districts that they must employ certified teachers for adult education. The requirement was also placed in the 1990-91 K-12 appropriations act. But, since the state aid act is revised each year, and since it only applies to in-formula school districts, the legislature should give more force to the requirement by placing it into the School Code.

Against:

There is little disagreement with the concept of requiring adult education teachers to hold teaching certificates. Placing the requirement in the School Code would likely have an impact on the question on granting tenure to these teachers, however, which would create many administrative difficulties. Although the judicial and administrative case history on the question of tenure for adult education teachers has been complex and at times conflicting, a recent ruling by the state Tenure Commission (Swartz v. Swartz Creek) has concluded that adult education teachers do qualify for tenure, although only tenure as adult education teachers. However, a 1989 Michigan Supreme Court case, Belanger v. Warren Board of Education, cast doubt on the validity of position-specific tenure rights. Thus, tenure law experts contend that passage of House Bill 4090 would confirm the tenure rights of adult education teachers, and that there would be no differentiation between the rights of part-time adult education teachers and full-time K-12 teachers. Administrators fear that this would result in part-time adult education teachers being able to "bump" full-time, probationary K-12 teachers who have more responsibilities and duties but fewer "days of instruction" to their credit. This would not only be unfair, but would complicate labor relations and program administration.

Response: The bill would be valuable precisely because it would clarify the tenure question. Adult education teachers deserve the benefits of tenure, just as their counterparts enjoy. If adult education teachers were granted tenure, there would be more incentive for serving in those positions and the quality of instruction would likely improve.

Rebuttal: The tenure question could be resolved more directly by amending the tenure act, preferably to create a position-specific tenure for adult education instructors. This route would avoid the administrative problems that House Bill 4090 would create.

POSITIONS:

The State Board of Education supports the bill. (2-23-89)

The Michigan Federation of Teachers supports the bill. (9-11-90)

The Michigan Education Association supports the bill. (9-20-90)

The Michigan Association of School Boards did not oppose the requirement to employ certified teachers for adult education in the State School Aid Act, but has serious concerns about the requirement being placed in the School Code because of the questions regarding tenure. (9-21-90)

The Middle Cities Education Association opposes the bill. (9-20-90)

The Michigan Association of Community and Adult Education (representing adult education administrators) opposes the bill. (9-20-90)