



HOUSE BILL No. 5041

September 22, 1993, Introduced by Rep. Keith and referred to the Committee on Education.

A bill to amend section 1284 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

as amended by Act No. 143 of the Public Acts of 1992, being section 380.1284 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1284 of Act No. 451 of the Public Acts
2 of 1976, as amended by Act No. 143 of the Public Acts of 1992,
3 being section 380.1284 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 1284. (1) The board of a school district shall deter-
6 mine the length of the school term. The minimum number of days
7 of ~~student~~ PUPIL instruction ~~shall be~~ IS 180, COMPUTED
8 ACCORDING TO SUBSECTION (3). IN ADDITION, THE MINIMUM NUMBER OF
9 TEACHER PROFESSIONAL DEVELOPMENT DAYS OR NONINSTRUCTIONAL WORK

1 DAYS FOR TEACHERS IS 2. Except as provided in SUBSECTION (5) AND
2 IN section 101 of the state school aid act of 1979, being
3 section 388.1701 of the Michigan Compiled Laws, a district fail-
4 ing to hold 180 days of ~~student~~ PUPIL instruction shall forfeit
5 1/180 of its total state school aid for each day of failure. Not
6 later than August 1, the board of each district shall certify to
7 the state board the number of days of ~~student~~ PUPIL instruction
8 in the previous school year. If the district did not hold at
9 least 180 days of ~~student~~ PUPIL instruction, the deduction of
10 state school aid shall be made in the following fiscal year from
11 the first payment of state school aid. ~~Days lost because of~~
12 ~~strikes or teachers' conferences shall not be counted as days of~~
13 ~~student instruction.~~

14 (2) The state board shall promulgate rules for the implemen-
15 tation of ~~this section~~ SUBSECTION (1).

16 (3) FOR PURPOSES OF COMPUTING THE MINIMUM 180 DAYS OF PUPIL
17 INSTRUCTION PRESCRIBED IN THIS SECTION AND SECTION 101 OF THE
18 STATE SCHOOL AID ACT OF 1979, THE SCHOOL YEAR SHALL CONCLUDE ON
19 OR BEFORE THE THIRD FRIDAY IN JUNE. SATURDAYS, SUNDAYS, LABOR
20 DAY, THANKSGIVING DAY, CHRISTMAS DAY, NEW YEAR'S DAY, MEMORIAL
21 DAY, DAYS LOST BECAUSE OF AN EMPLOYEES' STRIKE, DAYS LOST BECAUSE
22 OF TEACHERS' CONFERENCES, TEACHER PROFESSIONAL DEVELOPMENT DAYS,
23 OR NONINSTRUCTIONAL WORK DAYS SHALL NOT BE COUNTED AS DAYS OF
24 PUPIL INSTRUCTION. THE SCHOOL YEAR SHALL INCLUDE AT LEAST 10
25 VACATION DAYS, SCHEDULED AFTER THE FIRST 2 WEEKS OF THE SCHOOL
26 YEAR AND BEFORE THE LAST 2 WEEKS OF THE SCHOOL YEAR. SATURDAYS,
27 SUNDAYS, HOLIDAYS, TEACHER PROFESSIONAL DEVELOPMENT DAYS, OR

1 NONINSTRUCTIONAL WORK DAYS SHALL NOT BE COUNTED AS VACATION
2 DAYS .

3 (4) IF A SCHOOL DISTRICT IS UNABLE TO PROVIDE THE MINIMUM
4 180 DAYS OF PUPIL INSTRUCTION PRESCRIBED IN THIS SECTION AND SEC-
5 TION 101 OF THE STATE SCHOOL AID ACT OF 1979 BEFORE THE THIRD
6 FRIDAY IN JUNE BECAUSE OF A LEGAL PUBLIC SCHOOL EMPLOYEES'
7 STRIKE, THEN FOR EACH DAY THAT REQUIREMENT IS NOT FULFILLED THE
8 SCHOOL DISTRICT SHALL NOT PAY TO AN EMPLOYEE PARTICIPATING IN THE
9 STRIKE, AND EACH EMPLOYEE PARTICIPATING IN THE STRIKE SHALL FOR-
10 FEIT, 1/180 OR A DAY'S PROPORTION, WHICHEVER IS LESS, OF THE
11 EMPLOYEE'S ANNUAL SALARY, AS DETERMINED IN THE APPLICABLE COLLEC-
12 TIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT. IF THE
13 EMPLOYEE DISPUTES THE AMOUNT OF THE FORFEITURE, HE OR SHE MAY
14 APPLY TO THE EMPLOYMENT RELATIONS COMMISSION CREATED PURSUANT TO
15 SECTION 3 OF ACT NO. 176 OF THE PUBLIC ACTS OF 1939, BEING
16 SECTION 423.3 OF THE MICHIGAN COMPILED LAWS, FOR A DETERMINATION
17 OF THE EXACT AMOUNT OF THE FORFEITURE UNDER RULES THE EMPLOYMENT
18 RELATIONS COMMISSION PROMULGATES. UPON PROPER SHOWING BY THE
19 EMPLOYEE, THE EMPLOYMENT RELATIONS COMMISSION MAY ISSUE AN ORDER
20 CORRECTING THE EMPLOYER'S DETERMINATION.

21 (5) IF A SCHOOL DISTRICT IS UNABLE TO PROVIDE THE MINIMUM
22 180 DAYS OF PUPIL INSTRUCTION PRESCRIBED IN THIS SECTION AND
23 SECTION 101 OF THE STATE SCHOOL AID ACT OF 1979 BEFORE THE THIRD
24 FRIDAY IN JUNE BECAUSE OF A LEGAL PUBLIC SCHOOL EMPLOYEES'
25 STRIKE, THE DEPARTMENT SHALL ESTIMATE AND MAKE A DEDUCTION FROM
26 THE SCHOOL DISTRICT'S TOTAL STATE SCHOOL AID IN THE SAME STATE
27 FISCAL YEAR THE STRIKE OCCURS IN AN AMOUNT EQUAL TO THE TOTAL

1 AMOUNT OF THE FORFEITURE OF WAGES OR SALARY REQUIRED FOR THE
2 STRIKING EMPLOYEES UNDER SUBSECTION (4) AND SECTION 21 OF ACT
3 NO. 336 OF THE PUBLIC ACTS OF 1947, BEING SECTION 423.221 OF THE
4 MICHIGAN COMPILED LAWS. IF THE REQUIRED DEDUCTION EXCEEDS THE
5 SCHOOL DISTRICT'S TOTAL STATE SCHOOL AID, THE SCHOOL DISTRICT
6 SHALL PAY TO THE STATE, IN A MANNER PRESCRIBED BY THE DEPARTMENT,
7 AN AMOUNT EQUAL TO THE AMOUNT OF THE EXCESS. IF THE SCHOOL DIS-
8 TRICT DOES NOT RECEIVE STATE AID, THE SCHOOL DISTRICT SHALL PAY
9 TO THE STATE, IN A MANNER PRESCRIBED BY THE DEPARTMENT, AN AMOUNT
10 EQUAL TO THE TOTAL AMOUNT OF THE FORFEITURE OF WAGES OR SALARY
11 REQUIRED FOR THE STRIKING EMPLOYEES UNDER SUBSECTION (4) AND
12 SECTION 21 OF ACT NO. 336 OF THE PUBLIC ACTS OF 1947. MONEY PAID
13 TO THE STATE UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE GEN-
14 ERAL FUND OF THE STATE. IF A DISPUTE CONCERNING THE FORFEITURE
15 OF WAGES OR SALARY UNDER SECTION 21 OF ACT NO. 336 OF THE PUBLIC
16 ACTS OF 1947 IS PENDING, THE AMOUNT OF THE SALARY OR WAGE FORFEI-
17 TURE IN DISPUTE SHALL NOT BE DEDUCTED FROM THE SCHOOL DISTRICT'S
18 STATE AID OR REMITTED FROM THE SCHOOL DISTRICT'S GENERAL FUND
19 UNTIL THE DISPUTE IS RESOLVED.

20 (6) AS USED IN THIS SECTION, "LEGAL PUBLIC SCHOOL EMPLOYEES'
21 STRIKE" MEANS A STRIKE PERMITTED UNDER SECTION 20 OF ACT NO. 336
22 OF THE PUBLIC ACTS OF 1947, BEING SECTION 423.220 OF THE MICHIGAN
23 COMPILED LAWS.

24 Section 2. This amendatory act shall not take effect unless
25 all of the following bills of the 87th Legislature are enacted
26 into law:

1 (a) Senate Bill No. _____ or House Bill No. 5043 (request
2 no. 04992'93).

3 (b) Senate Bill No. _____ or House Bill No. 5042 (request
4 no. 04995'93).