



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 898 (as enrolled)
 Sponsor: Senator Leon Stille
 Committee: Education

PUBLIC ACT 282 of 1996

Date Completed: 4-1-96

RATIONALE

Public Act 362 of 1993 created Part 6a in the School Code of 1976 to provide for the organization and administration of public school academies. On November 1, 1994, Judge William E. Collette, of the Ingham County Circuit Court, held that Public Act 362 was unconstitutional. Following this ruling, Public Act 416 of 1994 amended the School Code to address concerns raised in the ruling. This Act also added to the School Code Part 6b, which also authorizes the creation of public school academies. Public Act 416 specifies that Part 6b will be repealed if Part 6a is judicially upheld. Thus, Part 6b governs the establishment of academies until the case affecting Part 6a (*Council of Organizations and Others for Education about Parochial, Inc. et al. v John Engler, et al.*) is resolved. The teachers' tenure Act currently addresses the issue of tenure for teachers employed by academies established under Part 6a and teachers who have taken a leave of absence from a school district in order to teach at an academy established under Part 6a. The Act, however, does not refer to teachers who are employed at academies established under Part 6b of the Code. Some people believe that these teachers' tenure Act provisions should also apply to public school academies organized under Part 6b.

CONTENT

The bill would amend the teachers' tenure Act to revise citations to the School Code in provisions that exempt public school academies from the Act.

Currently under the Act, a person employed in a public school academy established under Part 6a of the School Code of 1976 is not considered a teacher during that employment for the purpose of

continuing tenure. The Act permits a teacher employed in an academy established under Part 6a, who is on leave of absence from a school district and was on continuing tenure in the district at the time he or she began the leave, to retain continuing tenure in that district while he or she is employed in the academy.

The bill would delete references to Part 6a in these provisions, and refer instead to the "Revised School Code".

MCL 38.71

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Public Act 289 of 1995, which takes effect July 1, 1996, amends the School Code of 1976 and renames it the "Revised School Code". This revision encompasses provisions currently in the Code that govern the establishment and operation of public school academies, including Parts 6a and 6b of the Code. While the question of the constitutionality of Part 6a is being pursued in the courts, Part 6b governs the establishment and operation of public school academies, including the employment of teachers. The teachers' tenure Act, however, only refers to Part 6a. By deleting references to Part 6a and referring, instead, to the Revised School Code, the bill would include both Part 6a and Part 6b in the Act's provisions.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: E. Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.