

SENATE BILL NO. 213

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1231 and 1236 (MCL 380.1231 and 380.1236),
section 1236 as amended by 1995 PA 289, and by adding section
1236a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1231. (1) The board of a school district shall hire
2 and contract with qualified teachers. Contracts with teachers
3 shall be in writing and signed ON BEHALF OF THE SCHOOL DISTRICT
4 by a majority of the board, ~~in behalf of the district, or~~ by
5 the president and secretary OF THE BOARD, or by the superinten-
6 dent of schools or an authorized representative of the board.
7 The contracts shall specify the wages agreed upon.

8 ~~(2) A contract in a primary school district shall require~~
9 ~~the teacher to keep a correct list of the pupils, grading, and~~

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1 ~~age of each pupil attending the school, the number of days each~~
2 ~~pupil is present, and the aggregate attendance, which information~~
3 ~~shall be filed with the intermediate superintendent and with the~~
4 ~~secretary of the board at the end of the school year. A teacher~~
5 ~~in a primary school district shall not be entitled to receive the~~
6 ~~teacher's last payment for services until the report is filed.~~

7 (2) ~~-(3)-~~ A teacher's contract shall be filed with the sec-
8 retary OF THE BOARD and a duplicate copy of the contract shall be
9 furnished to the teacher.

10 (3) ~~-(4)-~~ A EXCEPT AS OTHERWISE PROVIDED UNDER THIS ACT, A
11 contract with a teacher ~~shall not be~~ IS NOT valid unless the
12 person holds a ~~legal~~ VALID TEACHING certificate ~~of~~
13 ~~qualification~~ at the time the contractual period begins. A con-
14 tract shall terminate if the certificate expires by limitation
15 and is not renewed immediately or if it is suspended or revoked
16 by proper legal authority.

17 (4) ~~-(5)-~~ The board of a school district, after a teacher
18 has been employed at least 2 consecutive years by the board, may
19 enter into a continuing contract with a certificated teacher.

20 (5) AS USED IN THIS SECTION, "TEACHER" DOES NOT INCLUDE A
21 SUBSTITUTE TEACHER.

22 Sec. 1236. (1) ~~if~~ SUBJECT TO SUBSECTION (3), IF a teacher
23 is employed as a substitute teacher with an assignment to 1 spe-
24 cific teaching position, then after 60 days of service in that
25 assignment the teacher shall be granted for the duration of that
26 assignment leave time and other privileges granted to regular
27 teachers by the school district, including a salary not less than

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1 the minimum salary on the current salary schedule for that
2 district.

3 (2) ~~—A—~~ SUBJECT TO [SUBSECTIONS (3) AND (4)], A teacher employed as
a
4 substitute teacher for 150 days or more during a legal school
5 year of not less than 180 days, or employed as a substitute
6 teacher for 180 days or more by an intermediate school district
7 that operates any program for 220 days or more as required by
8 administrative rule, shall be given during the balance of the
9 school year or during the next succeeding legal school year only
10 the first opportunity to accept or reject a contract for which
11 the substitute teacher is certified, after all other teachers of
12 the school district are reemployed in conformance with the terms
13 of a master contract of an authorized bargaining unit and the
14 employer.

15 (3) SUBSECTIONS (1) AND (2) DO NOT APPLY TO A SUBSTITUTE
16 TEACHER WHO IS CONTRACTED OR EMPLOYED BY A PERSON OR ENTITY THAT
17 CONTRACTS WITH A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
18 PURSUANT TO SECTION 1236A.

[(4) SUBSECTION (2) DOES NOT APPLY TO A SUBSTITUTE TEACHER WHO IS
FULFILLING THE TEACHING DUTIES OF A TEACHER WHO IS UNABLE TO TEACH DUE TO
A TERMINAL ILLNESS.]

19 [(5)] ~~—(3)—~~ As used in this section, "day" means the working
20 day of the regular, full-time teacher for whom the substitute
21 teacher substitutes. A quarter-day, half-day, or other frac-
22 tional day of substitute service shall be counted only as that
23 fraction. However, a fraction of a day that is acknowledged by
24 the school district and paid as a full day shall be counted as a
25 full day for purposes of this section.

26 SEC. 1236A. (1) THE BOARD OF A SCHOOL DISTRICT OR

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27 INTERMEDIATE SCHOOL DISTRICT MAY ENTER INTO A CONTRACT WITH A
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1 PERSON OR ENTITY TO FURNISH SUBSTITUTE TEACHERS TO THE SCHOOL
2 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT AS NECESSARY TO CARRY
3 OUT THE OPERATIONS OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
4 DISTRICT.

5 (2) A CONTRACT ENTERED INTO UNDER THIS SECTION SHALL INCLUDE
6 THE FOLLOWING PROVISIONS:

7 (A) ASSURANCE THAT THE PERSON OR ENTITY WILL FURNISH THE
8 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT WITH QUALIFIED
9 TEACHERS IN ACCORDANCE WITH THIS ACT AND RULES PROMULGATED UNDER
10 THIS ACT.

11 (B) ASSURANCE THAT THE PERSON OR ENTITY WILL NOT FURNISH TO
12 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT ANY TEACHER
13 WHO, IF EMPLOYED DIRECTLY BY THE SCHOOL DISTRICT OR INTERMEDIATE
14 SCHOOL DISTRICT, WOULD BE INELIGIBLE FOR EMPLOYMENT BY THE SCHOOL
15 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT AS A SUBSTITUTE TEACHER
16 UNDER THIS ACT.

17 (C) A DESCRIPTION OF THE LEVEL OF COMPENSATION AND FRINGE
18 BENEFITS TO BE PROVIDED TO EMPLOYEES OF THE PERSON OR ENTITY WHO
19 ARE ASSIGNED TO THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DIS-
20 TRICT AS SUBSTITUTE TEACHERS.

21 (D) A DESCRIPTION OF THE TYPE AND AMOUNTS OF INSURANCE COV-
22 ERAGE TO BE SECURED AND MAINTAINED BY THE PERSON OR ENTITY AND
23 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT UNDER THE
24 CONTRACT.

25 (E) ASSURANCE THAT THE PERSON OR ENTITY, BEFORE ASSIGNING AN
26 INDIVIDUAL TO SERVE AS A SUBSTITUTE TEACHER IN THE SCHOOL
27 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT, WILL COMPLY WITH

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1 SECTIONS 1230 AND 1230A WITH RESPECT TO THAT INDIVIDUAL TO THE
2 SAME EXTENT AS IF THE PERSON OR ENTITY WERE A SCHOOL DISTRICT
3 EMPLOYING THE INDIVIDUAL AS A SUBSTITUTE TEACHER AND WILL PROVIDE
4 THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
5 WITH THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER SEC-
6 TION 1230 AND WITH THE RESULTS OF THE CRIMINAL RECORDS CHECK
7 UNDER SECTION 1230A. THE DEPARTMENT OF STATE POLICE SHALL PRO-
8 VIDE INFORMATION TO A PERSON OR ENTITY REQUESTING INFORMATION
9 UNDER THIS SUBDIVISION TO THE SAME EXTENT AS IF THE PERSON OR
10 ENTITY WERE A SCHOOL DISTRICT MAKING THE REQUEST UNDER SECTION
11 1230 OR 1230A.

12 (3) A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT THAT
13 CONTRACTS WITH A PERSON OR ENTITY TO FURNISH SUBSTITUTE TEACHERS
14 UNDER THIS SECTION MAY PURCHASE LIABILITY INSURANCE TO INDEMNIFY
15 AND PROTECT THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
16 AND THE PERSON OR ENTITY AGAINST LOSSES OR LIABILITIES INCURRED
17 BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT AND PERSON
18 OR ENTITY ARISING OUT OF ANY CLAIM FOR PERSONAL INJURY OR PROP-
19 erty DAMAGE CAUSED BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
20 DISTRICT, ITS OFFICERS, EMPLOYEES, OR AGENTS. A SCHOOL DISTRICT
21 OR INTERMEDIATE SCHOOL DISTRICT MAY PAY PREMIUMS FOR THE INSUR-
22 ANCE OUT OF ITS OPERATING FUNDS. THE EXISTENCE OF ANY POLICY OF
23 INSURANCE INDEMNIFYING THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
24 DISTRICT AND PERSON OR ENTITY AGAINST LIABILITY FOR DAMAGES IS
25 NOT A WAIVER OF ANY DEFENSE OTHERWISE AVAILABLE TO THE SCHOOL
26 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT IN THE DEFENSE OF THE
27 CLAIM.

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1 (4) AS USED IN THIS SECTION, "ENTITY" MEANS A PARTNERSHIP,
2 NONPROFIT OR BUSINESS CORPORATION, LABOR ORGANIZATION, LIMITED
3 LIABILITY COMPANY, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST,
4 OR OTHER LEGAL ENTITY.