

# SENATE BILL No. 213

February 14, 2001, Introduced by Senators JOHNSON, GOUGEON, SCHUETTE, SHUGARS, SIKKEMA, NORTH, EMMONS, MC MANUS, STILLE, STEIL, BULLARD and JAYE and referred to the Committee on Education.

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~~

~~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

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

3       (2) ~~—A—~~ SUBJECT TO SUBSECTION (3), 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.

19       (4) ~~—(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  
27 INTERMEDIATE SCHOOL DISTRICT MAY ENTER INTO A CONTRACT WITH A

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

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.

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.