

Act No. 735
Public Acts of 2002
Approved by the Governor
December 30, 2002
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December 30, 2002
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**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Senators Johnson, Gougeon, Schuette, Shugars, Sikkema, North, Emmons, McManus, Stille,
Steil and Bullard**

ENROLLED SENATE BILL No. 213

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," 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:

Sec. 1231. (1) The board of a school district shall hire and contract with qualified teachers. Contracts with teachers shall be in writing and signed on behalf of the school district by a majority of the board, by the president and secretary of the board, or by the superintendent of schools or an authorized representative of the board. The contracts shall specify the wages agreed upon.

(2) A teacher's contract shall be filed with the secretary of the board and a duplicate copy of the contract shall be furnished to the teacher.

(3) Except as otherwise provided under this act, a contract with a teacher is not valid unless the person holds a valid teaching certificate at the time the contractual period begins. A contract shall terminate if the certificate expires by limitation and is not renewed immediately or if it is suspended or revoked by proper legal authority.

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

(5) As used in this section, "teacher" does not include a substitute teacher.

Sec. 1236. (1) Subject to subsection (3), if a teacher is employed as a substitute teacher with an assignment to 1 specific teaching position, then after 60 days of service in that assignment the teacher shall be granted for the duration of that assignment leave time and other privileges granted to regular teachers by the school district, including a salary not less than the minimum salary on the current salary schedule for that district.

(2) Subject to subsections (3) and (4), a teacher employed as a substitute teacher for 150 days or more during a legal school year of not less than 180 days, or employed as a substitute teacher for 180 days or more by an intermediate school district that operates any program for 220 days or more as required by administrative rule, shall be given during the balance of the school year or during the next succeeding legal school year only the first opportunity to accept or reject a contract for which the substitute teacher is certified, after all other teachers of the school district are reemployed in conformance with the terms of a master contract of an authorized bargaining unit and the employer.

(3) Subsections (1) and (2) do not apply to a substitute teacher who is contracted or employed by a person or entity that contracts with a school district or intermediate school district 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.

(5) As used in this section, "day" means the working day of the regular, full-time teacher for whom the substitute teacher substitutes. A quarter-day, half-day, or other fractional day of substitute service shall be counted only as that fraction. However, a fraction of a day that is acknowledged by the school district and paid as a full day shall be counted as a full day for purposes of this section.

Sec. 1236a. (1) The board of a school district or intermediate school district may enter into a contract with a person or entity to furnish substitute teachers to the school district or intermediate school district as necessary to carry out the operations of the school district or intermediate school district.

(2) A contract entered into under this section shall include the following provisions:

(a) Assurance that the person or entity will furnish the school district or intermediate school district with qualified teachers in accordance with this act and rules promulgated under this act.

(b) Assurance that the person or entity will not furnish to the school district or intermediate school district any teacher who, if employed directly by the school district or intermediate school district, would be ineligible for employment by the school district or intermediate school district as a substitute teacher under this act.

(c) A description of the level of compensation and fringe benefits to be provided to employees of the person or entity who are assigned to the school district or intermediate school district as substitute teachers.

(d) A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the school district or intermediate school district under the contract.

(e) Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the school district or intermediate school district, will comply with sections 1230 and 1230a with respect to that individual to the same extent as if the person or entity were a school district employing the individual as a substitute teacher and will provide the board of the school district or intermediate school district with the criminal history record information obtained under section 1230 and with the results of the criminal records check under section 1230a. The department of state police shall provide information to a person or entity requesting information under this subdivision to the same extent as if the person or entity were a school district making the request under section 1230 or 1230a.

(3) A school district or intermediate school district that contracts with a person or entity to furnish substitute teachers under this section may purchase liability insurance to indemnify and protect the school district or intermediate school district and the person or entity against losses or liabilities incurred by the school district or intermediate school district and person or entity arising out of any claim for personal injury or property damage caused by the school district or intermediate school district, its officers, employees, or agents. A school district or intermediate school district may pay premiums for the insurance out of its operating funds. The existence of any policy of insurance indemnifying the school district or intermediate school district and person or entity against liability for damages is not a waiver of any defense otherwise available to the school district or intermediate school district in the defense of the claim.

(4) As used in this section, "entity" means a partnership, nonprofit or business corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity.

Carol Morey Viventi

Secretary of the Senate.

Gay E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.