

SENATE BILL No. 1428

July 21, 2010, Introduced by Senator HUNTER and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1280c. (1) Beginning in 2010, not later than September 1
2 of each year, the superintendent of public instruction shall
3 publish a list identifying the public schools in this state that
4 the department has determined to be among the lowest achieving 5%
5 of all public schools in this state, as defined for the purposes of
6 the federal incentive grant program created under sections 14005
7 and 14006 of title XIV of the American recovery and reinvestment
8 act of 2009, Public Law 111-5. **WITH THIS LIST, THE SUPERINTENDENT**
9 **OF PUBLIC INSTRUCTION SHALL ALSO PUBLISH A SUMMARY IDENTIFYING EACH**

1 SCHOOL DISTRICT THAT OPERATES AT LEAST 1 OF THE PUBLIC SCHOOLS ON
2 THE LIST, THE NUMBER OF PUBLIC SCHOOLS THAT THE SCHOOL DISTRICT
3 OPERATES THAT ARE ON THE LIST AND THE NUMBER OF PUPILS ENROLLED IN
4 THOSE PUBLIC SCHOOLS, AND THE TOTAL NUMBER OF PUBLIC SCHOOLS THAT
5 THE SCHOOL DISTRICT OPERATES AND TOTAL NUMBER OF PUPILS ENROLLED IN
6 THE SCHOOL DISTRICT.

7 (2) The superintendent of public instruction shall issue an
8 order placing each public school that is included on the list under
9 subsection (1) under the supervision of the state school
10 reform/redesign officer described in subsection (9). Within 90 days
11 after a public school is placed under the supervision of the state
12 school reform/redesign officer under this section, the school board
13 or board of directors operating the public school shall submit a
14 redesign plan to the state school reform/redesign officer. For a
15 public school operated by a school board, the redesign plan shall
16 be developed with input from the local teacher bargaining unit and
17 the local superintendent or, if an emergency financial manager is
18 in place under the local government fiscal responsibility act, 1990
19 PA 72, MCL 141.1201 to 141.1291, the emergency financial manager.
20 The redesign plan shall require implementation of 1 of the 4 school
21 intervention models that are provided for the lowest achieving
22 schools under the federal incentive grant program created under
23 sections 14005 and 14006 of title XIV of the American recovery and
24 reinvestment act of 2009, Public Law 111-5, known as the "race to
25 the top" grant program. These models are the turnaround model,
26 restart model, school closure, and transformation model. The
27 redesign plan shall include an executed addendum to each applicable

1 collective bargaining agreement in effect for the public school
2 that meets the requirements of subsection (8).

3 (3) Within 30 days after receipt of a redesign plan for a
4 public school under subsection (2), the state school
5 reform/redesign officer shall issue an order approving,
6 disapproving, or making changes to the redesign plan. If the order
7 makes changes to the redesign plan, the school board or board of
8 directors has 30 days after the order to change the redesign plan
9 to incorporate those changes into the redesign plan and resubmit it
10 to the state school reform/redesign officer for approval or
11 disapproval.

12 (4) The state school reform/redesign officer shall not
13 disapprove a redesign plan that includes all of the elements
14 required under federal law for the school intervention model
15 included in the redesign plan. A school board or board of directors
16 may appeal disapproval of a redesign plan on this basis to the
17 superintendent of public instruction. The decision of the
18 superintendent of public instruction on the appeal is final.

19 (5) If the state school reform/redesign officer approves a
20 redesign plan under this section, the school board or board of
21 directors shall implement the redesign plan for the public school
22 beginning with the beginning of the next school year that begins
23 after the approval. The school board or board of directors shall
24 regularly submit monitoring reports to the state school
25 reform/redesign officer on the implementation and results of the
26 plan in the form and manner, and according to a schedule, as
27 determined by the state school reform/redesign officer.

1 (6) The state school reform/redesign school district is
2 created. The state school reform/redesign school district is a
3 school district for the purposes of section 11 of article IX of the
4 state constitution of 1963 and for receiving state school aid under
5 the state school aid act of 1979 and is subject to the leadership
6 and general supervision of the state board over all public
7 education under section 3 of article VIII of the state constitution
8 of 1963. The state school reform/redesign school district is a body
9 corporate and is a governmental agency. Except as otherwise
10 provided in subsection (7), if the state school reform/redesign
11 officer does not approve the redesign plan, or if the state school
12 reform/redesign officer determines that the redesign plan is not
13 achieving satisfactory results, the state school reform/redesign
14 officer shall issue an order placing the public school in the state
15 school reform/redesign school district, imposing for the public
16 school implementation of 1 of the 4 school intervention models
17 described in subsection (2) beginning with the beginning of the
18 next school year, and imposing an addendum to each applicable
19 collective bargaining agreement in effect for the public school as
20 necessary to implement the school intervention model and that meets
21 the requirements of subsection (8). All of the following apply to
22 the state school reform/redesign school district:

23 (a) The state school reform/redesign school district shall
24 consist of schools that are placed in the state school
25 reform/redesign school district.

26 (b) The state school reform/redesign officer shall act as the
27 superintendent of the state school reform/redesign school district.

1 With respect to schools placed in the state school reform/redesign
2 school district, the state school reform/redesign officer has all
3 of the powers and duties described in this section; all of the
4 provisions of this act that would otherwise apply to the school
5 board that previously operated a school placed in the state school
6 reform/redesign school district apply to the state school
7 reform/redesign officer with respect to that school, except those
8 relating to taxation or borrowing; except as otherwise provided in
9 this section, the state school reform/redesign officer may exercise
10 all the powers and duties otherwise vested by law in the school
11 board that previously operated a school placed in the state school
12 reform/redesign school district and in its officers, except those
13 relating to taxation or borrowing, and may exercise all additional
14 powers and duties provided under this section; and, except as
15 otherwise provided in this section, the state school
16 reform/redesign officer accedes to all the rights, duties, and
17 obligations of the school board with respect to that school. These
18 powers, rights, duties, and obligations include, but are not
19 limited to, all of the following:

20 (i) Authority over the expenditure of all funds attributable to
21 pupils at that school, including that portion of proceeds from
22 bonded indebtedness and other funds dedicated to capital projects
23 that would otherwise be apportioned to that school by the school
24 board that previously operated the school according to the terms of
25 the bond issue or financing documents.

26 (ii) Subject to subsection (8), rights and obligations under
27 collective bargaining agreements and employment contracts entered

1 into by the school board for employees at the school.

2 (iii) Rights to prosecute and defend litigation.

3 (iv) Rights and obligations under statute, rule, and common
4 law.

5 (v) Authority to delegate any of the state school
6 reform/redesign officer's powers and duties to 1 or more designees,
7 with proper supervision by the state school reform/redesign
8 officer.

9 (vi) Power to terminate any contract or portion of a contract
10 entered into by the school board that applies to that school.

11 However, this subsection does not allow any termination or
12 diminishment of obligations to pay debt service on legally
13 authorized bonds and does not allow a collective bargaining
14 agreement to be affected except as provided under subsection (8). A
15 contract terminated by the state school reform/redesign officer
16 under this subsection is void.

17 (7) If the state school reform/redesign officer determines
18 that better educational results are likely to be achieved by
19 appointing a chief executive officer to take control of multiple
20 public schools, the state school reform/redesign officer may make a
21 recommendation to the superintendent of public instruction for
22 appointment of a chief executive officer to take control over those
23 multiple schools. If the superintendent of public instruction
24 appoints a chief executive officer to take control of multiple
25 public schools under this subsection, the chief executive officer
26 shall impose for those public schools implementation of 1 of the 4
27 school intervention models described in subsection (2) and impose

1 an addendum to each applicable collective bargaining agreement in
2 effect for those public schools as necessary to implement the
3 school intervention model and that meets the requirements of
4 subsection (8). With respect to those public schools, the chief
5 executive officer has all of the same powers and duties that the
6 state school reform/redesign officer has for public schools placed
7 in the state school reform/redesign school district under
8 subsection (6). The chief executive officer shall regularly submit
9 monitoring reports to the state school reform/redesign officer on
10 the implementation and results of the intervention model in the
11 form and manner, and according to a schedule, as determined by the
12 state school reform/redesign officer. The chief executive officer
13 shall exercise any other powers or duties over the public schools
14 as may be directed by the superintendent of public instruction.

15 (8) An addendum to a collective bargaining agreement under
16 this section shall provide for any of the following that are
17 necessary for the applicable school intervention model to be
18 implemented at each affected public school:

19 (a) That any contractual or other seniority system that would
20 otherwise be applicable shall not apply at the public school. This
21 subdivision does not allow unilateral changes in pay scales or
22 benefits.

23 (b) That any contractual or other work rules that are
24 impediments to implementing the redesign plan shall not apply at
25 the public school. This subdivision does not allow unilateral
26 changes in pay scales or benefits.

27 (c) That the state school reform/redesign officer shall direct

1 the expenditure of all funds attributable to pupils at the public
2 school and the principal or other school leader designated by the
3 state school reform/redesign officer shall have full autonomy and
4 control over curriculum and discretionary spending at the public
5 school.

6 (9) The superintendent of public instruction shall hire a
7 state school reform/redesign officer to carry out the functions
8 under this section and as otherwise prescribed by law. The state
9 school reform/redesign officer shall be chosen solely on the basis
10 of his or her competence and experience in educational reform and
11 redesign. The state school reform/redesign officer is exempt from
12 civil service. The state school reform/redesign officer is
13 responsible directly to the superintendent of public instruction to
14 ensure that the purposes of this section are carried out, and
15 accordingly the position of state school reform/redesign officer
16 should be a position within the department that is exempt from the
17 classified state civil service. The department shall request that
18 the civil service commission establish the position of state school
19 reform/redesign officer as a position that is exempt from the
20 classified state civil service.

21 (10) If the state school reform/redesign officer imposes the
22 restart model for a public school in the state school
23 reform/redesign school district, or a chief executive officer under
24 subsection (7) imposes the restart model for multiple public
25 schools under that subsection, all of the following apply:

26 (a) The state school reform/redesign officer or chief
27 executive officer shall enter into an agreement with an educational

1 management organization to manage and operate the public school or
2 schools. The state school reform/redesign officer or chief
3 executive officer shall provide sufficient oversight to ensure that
4 the public school or schools will be operated according to all of
5 the requirements for a restart model.

6 (b) There shall be considered to be no collective bargaining
7 agreement in effect that applies to employees working at the public
8 school or schools under this model at the time of imposition of the
9 model.

10 (11) If the state school reform/redesign officer imposes the
11 turnaround model for a public school in the state school
12 reform/redesign school district, or a chief executive officer under
13 subsection (7) imposes the turnaround model for multiple public
14 schools under that subsection, all of the following apply:

15 (a) A collective bargaining agreement that applies to
16 employees working at the public school or schools under this model
17 at the time of imposition of the model, and any successor
18 collective bargaining agreement, continues to apply with respect to
19 pay scales and benefits.

20 (b) Subject to any addendum to the collective bargaining
21 agreement that applies to the public school or schools, an employee
22 who is working at the public school or schools and who was
23 previously employed in the same school district that previously
24 operated that school shall continue to retain and accrue seniority
25 rights in that school district according to the collective
26 bargaining agreement that applies to employees of that school
27 district.

1 (12) If more than 9 public schools operated by a school
2 district are on the list under subsection (1), the transformation
3 model may not be implemented for more than 50% of those schools.

4 (13) If the state school reform/redesign officer determines
5 that a public school that is subject to the measures under
6 subsection (6) or (7) has made significant improvement in pupil
7 achievement and should be released from the measures that have been
8 imposed under subsection (6) or (7), the state school
9 reform/redesign officer may recommend this to the superintendent of
10 public instruction. If the superintendent of public instruction
11 agrees with the determination and recommendation, the
12 superintendent of public instruction may release the public school
13 from the measures that have been imposed under subsection (6) or
14 (7).

15 (14) At least annually, the state school reform/redesign
16 officer shall submit a report to the standing committees of the
17 senate and house of representatives having jurisdiction over
18 education legislation on the progress being made in improving pupil
19 proficiency due to the measures under this section.

20 (15) As soon as practicable after the federal department of
21 education has adopted the final work rules and formula for
22 identifying the lowest achieving 5% of all public schools in this
23 state for the purposes of the federal incentive grant program
24 created under sections 14005 and 14006 of title XIV of the American
25 recovery and reinvestment act of 2009, Public Law 111-5, known as
26 the "race to the top" grant program, the department shall post all
27 of the following on its website:

1 (a) The federal work rules and formula.

2 (b) A list of the public schools in this state that have been
3 identified for these purposes as being among the lowest achieving
4 5% of all public schools in this state. The department shall update
5 this list as it considers appropriate.