

HOUSE BILL No. 4627

May 10, 2011, Introduced by Rep. O'Brien and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 1247 and 1248.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1247. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
2 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
3 SHALL ENSURE THAT THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
4 DISTRICT, OR PUBLIC SCHOOL ACADEMY ADOPTS, IMPLEMENTS, MAINTAINS,
5 AND COMPLIES WITH A POLICY FOR PLACEMENT OF TEACHERS THAT IS BASED
6 ON MUTUAL CONSENT OF THE TEACHER AND THE SCHOOL PRINCIPAL. THIS
7 POLICY SHALL MEET ALL OF THE FOLLOWING:

8 (A) THE POLICY SHALL ENSURE THAT A SCHOOL PRINCIPAL HAS THE
9 AUTHORITY TO SELECT TEACHERS FOR HIS OR HER SCHOOL WHO HAVE

1 DEMONSTRATED EFFECTIVENESS AND WHO HAVE APPROPRIATE QUALIFICATIONS.

2 (B) THE POLICY SHALL ENSURE THAT THE PLACEMENT OF A TEACHER IN
3 A SCHOOL IS MADE ONLY WITH THE MUTUAL CONSENT OF THE TEACHER AND
4 THE SCHOOL PRINCIPAL.

5 (C) THE POLICY SHALL PROVIDE THAT, IF A TEACHER IS UNABLE TO
6 OBTAIN AN ASSIGNMENT BY MUTUAL CONSENT WITHIN THE SCHOOL DISTRICT,
7 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY WITHIN 30
8 DAYS, THE TEACHER WILL BE PLACED ON UNPAID LEAVE UNTIL THE TEACHER
9 IS ABLE TO OBTAIN AN ASSIGNMENT BY MUTUAL CONSENT WITHIN THE SCHOOL
10 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.
11 IF THE TEACHER OBTAINS AN ASSIGNMENT BY MUTUAL CONSENT WITHIN THE
12 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
13 ACADEMY WHILE PLACED ON UNPAID LEAVE, THE SCHOOL DISTRICT,
14 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL
15 REINSTATE THE TEACHER'S SALARY AND BENEFITS AT THE LEVEL AT WHICH
16 THEY WOULD HAVE BEEN IF THE TEACHER HAD NOT BEEN PLACED ON THE
17 UNPAID LEAVE.

18 (2) IF THE PERFORMANCE EVALUATION SYSTEM IMPLEMENTED BY A
19 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
20 ACADEMY UNDER SECTION 1249 DOES NOT ALREADY INCLUDE THE RATING OF
21 TEACHERS AS HIGHLY EFFECTIVE, EFFECTIVE, MINIMALLY EFFECTIVE, AND
22 INEFFECTIVE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
23 DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL REVISE THE PERFORMANCE
24 EVALUATION SYSTEM WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS
25 SECTION TO ENSURE THAT IT RATES TEACHERS AS HIGHLY EFFECTIVE,
26 EFFECTIVE, MINIMALLY EFFECTIVE, OR INEFFECTIVE.

27 (3) IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR

1 EMPLOYEES OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
2 PUBLIC SCHOOL ACADEMY AS OF THE EFFECTIVE DATE OF THIS SECTION, AND
3 IF THAT COLLECTIVE BARGAINING AGREEMENT PREVENTS COMPLIANCE WITH
4 SUBSECTION (1), THEN SUBSECTION (1) DOES NOT APPLY TO THAT SCHOOL
5 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
6 UNTIL AFTER THE EXPIRATION OF THAT COLLECTIVE BARGAINING AGREEMENT.

7 (4) AS USED IN THIS SECTION, "SCHOOL PRINCIPAL" MEANS THE
8 CHIEF ADMINISTRATOR IN CHARGE OF THE DAILY OPERATIONS OF A SCHOOL.

9 SEC. 1248. (1) ALL OF THE FOLLOWING APPLY TO POLICIES
10 REGARDING PERSONNEL DECISIONS WHEN CONDUCTING A REDUCTION IN FORCE
11 OR A RECALL FROM A REDUCTION IN FORCE OR IN HIRING AFTER A
12 REDUCTION IN FORCE BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL
13 DISTRICT, OR PUBLIC SCHOOL ACADEMY:

14 (A) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
15 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT
16 ADOPT, IMPLEMENT, MAINTAIN, OR COMPLY WITH A POLICY THAT PROVIDES
17 THAT LENGTH OF SERVICE IS THE PRIMARY OR DETERMINING FACTOR IN
18 PERSONNEL DECISIONS WHEN CONDUCTING A REDUCTION IN FORCE OR ANY
19 OTHER PERSONNEL DETERMINATION RESULTING IN THE ELIMINATION OF A
20 POSITION OR A RECALL FROM A REDUCTION IN FORCE OR ANY OTHER
21 PERSONNEL DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION
22 OR IN HIRING AFTER A REDUCTION IN FORCE OR ANY OTHER PERSONNEL
23 DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION.

24 (B) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
25 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
26 ENSURE THAT THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
27 PUBLIC SCHOOL ACADEMY ADOPTS, IMPLEMENTS, MAINTAINS, AND COMPLIES

1 WITH A POLICY THAT PROVIDES THAT ALL PERSONNEL DECISIONS WHEN
2 CONDUCTING A REDUCTION IN FORCE OR ANY OTHER PERSONNEL
3 DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION OR A
4 RECALL FROM A REDUCTION IN FORCE OR ANY OTHER PERSONNEL
5 DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION OR IN
6 HIRING AFTER A REDUCTION IN FORCE OR ANY OTHER PERSONNEL
7 DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION, ARE BASED
8 ON EFFECTIVENESS. FOR TEACHERS AND SCHOOL ADMINISTRATORS,
9 EFFECTIVENESS SHALL BE MEASURED BY THE PERFORMANCE EVALUATION
10 SYSTEM UNDER SECTION 1249, AND THE PERSONNEL DECISIONS SHALL BE
11 MADE BASED ON THE FOLLOWING FACTORS:

12 (i) INDIVIDUAL PERFORMANCE SHALL BE THE MAJORITY FACTOR IN
13 MAKING THE DECISION, AND SHALL CONSIST OF THE FOLLOWING:

14 (A) EVIDENCE OF INCREASED STUDENT ACHIEVEMENT, WHICH SHALL BE
15 THE PREDOMINANT FACTOR IN ASSESSING AN EMPLOYEE'S INDIVIDUAL
16 PERFORMANCE.

17 (B) DEMONSTRATED PEDAGOGICAL SKILLS, INCLUDING AT LEAST
18 PLANNING, DELIVERING RIGOROUS CONTENT, CHECKING FOR AND BUILDING
19 HIGHER-LEVEL UNDERSTANDING, DIFFERENTIATING, AND MANAGING A
20 CLASSROOM; AND CONSISTENT PREPARATION TO MAXIMIZE INSTRUCTIONAL
21 TIME.

22 (ii) SIGNIFICANT, RELEVANT ACCOMPLISHMENTS AND CONTRIBUTIONS.
23 THIS FACTOR SHALL BE BASED ON WHETHER THE INDIVIDUAL CONTRIBUTES TO
24 THE OVERALL PERFORMANCE OF THE SCHOOL BY MAKING CLEAR, SIGNIFICANT,
25 RELEVANT CONTRIBUTIONS ABOVE THE NORMAL EXPECTATIONS FOR AN
26 INDIVIDUAL IN HIS OR HER PEER GROUP AND HAVING DEMONSTRATED A
27 RECORD OF EXCEPTIONAL PERFORMANCE.

(iii) RELEVANT SPECIAL TRAINING. THIS FACTOR SHALL BE BASED ON COMPLETION OF RELEVANT TRAINING OTHER THAN THE PROFESSIONAL DEVELOPMENT OR CONTINUING EDUCATION THAT IS REQUIRED BY THE EMPLOYER OR BY STATE LAW, AND INTEGRATION OF THAT TRAINING INTO INSTRUCTION IN A MEANINGFUL WAY.

(C) LENGTH OF SERVICE SHALL NOT BE A FACTOR IN A PERSONNEL DECISION DESCRIBED IN SUBDIVISION (B).

(2) IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR EMPLOYEES OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY AS OF THE EFFECTIVE DATE OF THIS SECTION, AND IF THAT COLLECTIVE BARGAINING AGREEMENT PREVENTS COMPLIANCE WITH SUBSECTION (1), THEN SUBSECTION (1) DOES NOT APPLY TO THAT SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNTIL AFTER THE EXPIRATION OF THAT COLLECTIVE BARGAINING AGREEMENT.

Enacting section 1. This amendatory act shall not take effect unless all of the following bills of the 96th Legislature are enacted into law:

(a) Senate Bill No. ____ or House Bill No. 4625(request no. 00145'11 *).

(b) Senate Bill No. ____ or House Bill No. 4626(request no. 02019'11 ***).

(c) Senate Bill No. ____ or House Bill No. 4628(request no. 02178'11 a).