

SENATE BILL No. 157

February 16, 2011, Introduced by Senators PAVLOV, BRANDENBURG, MARLEAU and PROOS 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.

9 (2) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (16), THE**
10 superintendent of public instruction shall issue an order placing

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

23 (3) Within 30 days after receipt of a redesign plan for a
24 public school under subsection (2), the state school
25 reform/redesign officer shall issue an order approving,
26 disapproving, or making changes to the redesign plan. If the order
27 makes changes to the redesign plan, the school board or board of

1 directors has 30 days after the order to change the redesign plan
2 to incorporate those changes into the redesign plan and resubmit it
3 to the state school reform/redesign officer for approval or
4 disapproval.

5 (4) The state school reform/redesign officer shall not
6 disapprove a redesign plan that includes all of the elements
7 required under federal law for the school intervention model
8 included in the redesign plan. A school board or board of directors
9 may appeal disapproval of a redesign plan on this basis to the
10 superintendent of public instruction. The decision of the
11 superintendent of public instruction on the appeal is final.

12 (5) If the state school reform/redesign officer approves a
13 redesign plan under this section, the school board or board of
14 directors shall implement the redesign plan for the public school
15 beginning with the beginning of the next school year that begins
16 after the approval. The school board or board of directors shall
17 regularly submit monitoring reports to the state school
18 reform/redesign officer on the implementation and results of the
19 plan in the form and manner, and according to a schedule, as
20 determined by the state school reform/redesign officer.

21 (6) The state school reform/redesign school district is
22 created. The state school reform/redesign school district is a
23 school district for the purposes of section 11 of article IX of the
24 state constitution of 1963 and for receiving state school aid under
25 the state school aid act of 1979 and is subject to the leadership
26 and general supervision of the state board over all public
27 education under section 3 of article VIII of the state constitution

1 of 1963. The state school reform/redesign school district is a body
2 corporate and is a governmental agency. Except as otherwise
3 provided in subsection (7), if the state school reform/redesign
4 officer does not approve the redesign plan, or if the state school
5 reform/redesign officer determines that the redesign plan is not
6 achieving satisfactory results, the state school reform/redesign
7 officer shall issue an order placing the public school in the state
8 school reform/redesign school district, imposing for the public
9 school implementation of 1 of the 4 school intervention models
10 described in subsection (2) beginning with the beginning of the
11 next school year, and imposing an addendum to each applicable
12 collective bargaining agreement in effect for the public school as
13 necessary to implement the school intervention model and that meets
14 the requirements of subsection (8). All of the following apply to
15 the state school reform/redesign school district:

16 (a) The state school reform/redesign school district shall
17 consist of schools that are placed in the state school
18 reform/redesign school district.

19 (b) The state school reform/redesign officer shall act as the
20 superintendent of the state school reform/redesign school district.
21 With respect to schools placed in the state school reform/redesign
22 school district, the state school reform/redesign officer has all
23 of the powers and duties described in this section; all of the
24 provisions of this act that would otherwise apply to the school
25 board that previously operated a school placed in the state school
26 reform/redesign school district apply to the state school
27 reform/redesign officer with respect to that school, except those

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

13 (i) Authority over the expenditure of all funds attributable to
14 pupils at that school, including that portion of proceeds from
15 bonded indebtedness and other funds dedicated to capital projects
16 that would otherwise be apportioned to that school by the school
17 board that previously operated the school according to the terms of
18 the bond issue or financing documents.

19 (ii) Subject to subsection (8), rights and obligations under
20 collective bargaining agreements and employment contracts entered
21 into by the school board for employees at the school.

22 (iii) Rights to prosecute and defend litigation.

23 (iv) Rights and obligations under statute, rule, and common
24 law.

25 (v) Authority to delegate any of the state school
26 reform/redesign officer's powers and duties to 1 or more designees,
27 with proper supervision by the state school reform/redesign

1 officer.

2 (vi) Power to terminate any contract or portion of a contract
3 entered into by the school board that applies to that school.
4 However, this subsection does not allow any termination or
5 diminishment of obligations to pay debt service on legally
6 authorized bonds and does not allow a collective bargaining
7 agreement to be affected except as provided under subsection (8). A
8 contract terminated by the state school reform/redesign officer
9 under this subsection is void.

10 (7) If the state school reform/redesign officer determines
11 that better educational results are likely to be achieved by
12 appointing a chief executive officer to take control of multiple
13 public schools, the state school reform/redesign officer may make a
14 recommendation to the superintendent of public instruction for
15 appointment of a chief executive officer to take control over those
16 multiple schools. If the superintendent of public instruction
17 appoints a chief executive officer to take control of multiple
18 public schools under this subsection, the chief executive officer
19 shall impose for those public schools implementation of 1 of the 4
20 school intervention models described in subsection (2) and impose
21 an addendum to each applicable collective bargaining agreement in
22 effect for those public schools as necessary to implement the
23 school intervention model and that meets the requirements of
24 subsection (8). With respect to those public schools, the chief
25 executive officer has all of the same powers and duties that the
26 state school reform/redesign officer has for public schools placed
27 in the state school reform/redesign school district under

1 subsection (6). The chief executive officer shall regularly submit
2 monitoring reports to the state school reform/redesign officer on
3 the implementation and results of the intervention model in the
4 form and manner, and according to a schedule, as determined by the
5 state school reform/redesign officer. The chief executive officer
6 shall exercise any other powers or duties over the public schools
7 as may be directed by the superintendent of public instruction.

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

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

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

20 (c) That the state school reform/redesign officer shall direct
21 the expenditure of all funds attributable to pupils at the public
22 school and the principal or other school leader designated by the
23 state school reform/redesign officer shall have full autonomy and
24 control over curriculum and discretionary spending at the public
25 school.

26 (9) The superintendent of public instruction shall hire a
27 state school reform/redesign officer to carry out the functions

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

14 (10) If the state school reform/redesign officer imposes the
15 restart model for a public school in the state school
16 reform/redesign school district, or a chief executive officer under
17 subsection (7) imposes the restart model for multiple public
18 schools under that subsection, all of the following apply:

19 (a) The state school reform/redesign officer or chief
20 executive officer shall enter into an agreement with an educational
21 management organization to manage and operate the public school or
22 schools. The state school reform/redesign officer or chief
23 executive officer shall provide sufficient oversight to ensure that
24 the public school or schools will be operated according to all of
25 the requirements for a restart model.

26 (b) There shall be considered to be no collective bargaining
27 agreement in effect that applies to employees working at the public

1 school or schools under this model at the time of imposition of the
2 model.

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

8 (a) A collective bargaining agreement that applies to
9 employees working at the public school or schools under this model
10 at the time of imposition of the model, and any successor
11 collective bargaining agreement, continues to apply with respect to
12 pay scales and benefits.

13 (b) Subject to any addendum to the collective bargaining
14 agreement that applies to the public school or schools, an employee
15 who is working at the public school or schools and who was
16 previously employed in the same school district that previously
17 operated that school shall continue to retain and accrue seniority
18 rights in that school district according to the collective
19 bargaining agreement that applies to employees of that school
20 district.

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

24 (13) If the state school reform/redesign officer determines
25 that a public school that is subject to the measures under
26 subsection (6) or (7) has made significant improvement in pupil
27 achievement and should be released from the measures that have been

1 imposed under subsection (6) or (7), the state school
2 reform/redesign officer may recommend this to the superintendent of
3 public instruction. If the superintendent of public instruction
4 agrees with the determination and recommendation, the
5 superintendent of public instruction may release the public school
6 from the measures that have been imposed under subsection (6) or
7 (7).

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

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

21 (a) The federal work rules and formula.

22 (b) A list of the public schools in this state that have been
23 identified for these purposes as being among the lowest achieving
24 5% of all public schools in this state. The department shall update
25 this list as it considers appropriate.

26 (16) IF A SCHOOL THAT IS INCLUDED ON THE LIST UNDER SUBSECTION
27 (1) IS OPERATED BY A SCHOOL DISTRICT IN WHICH AN EMERGENCY MANAGER

1 IS IN PLACE UNDER THE LOCAL GOVERNMENT AND SCHOOL DISTRICT FISCAL
2 ACCOUNTABILITY ACT, THEN THE SUPERINTENDENT OF PUBLIC INSTRUCTION
3 SHALL NOT ISSUE AN ORDER PLACING THE SCHOOL UNDER THE SUPERVISION
4 OF THE STATE SCHOOL REFORM/REDESIGN OFFICER.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 153

7 of the 96th Legislature is enacted into law.