

HOUSE BILL NO. 5910

June 24, 2020, Introduced by Rep. Hornberger and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1231 (MCL 380.1231), as amended by 2020 PA 23,
and by adding section 1851b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1231. (1) Except as otherwise provided in subsections
2 (5), ~~and~~ (6), **and (7)**, the board of a school district shall hire
3 and contract with qualified teachers. Contracts with teachers must
4 be in writing and signed on behalf of the school district by a
5 majority of the board, by the president and secretary of the board,



1 or by the superintendent of schools or an authorized representative
2 of the board. The contracts must specify the wages agreed upon.

3 (2) The board of a school district shall file a teacher's
4 contract with the secretary of the board and shall furnish a
5 duplicate copy of the contract to the teacher.

6 (3) Except as otherwise provided under this act, a contract
7 with a teacher is not valid unless the individual holds a valid
8 teaching certificate or is engaged to teach under section 1233b at
9 the time the contractual period begins or the individual is engaged
10 to teach in a community district under section 1233c. A contract
11 terminates if the certificate expires by limitation and is not
12 renewed immediately or if it is suspended or revoked by proper
13 legal authority.

14 (4) The board of a school district, after a teacher has been
15 employed at least 2 consecutive years by the board, may enter into
16 a continuing contract with a certificated teacher or a teacher
17 engaged to teach under section 1233b or, for a community district,
18 with an individual engaged to teach in a community district under
19 section 1233c.

20 (5) The board of a school district that is a community
21 district may employ or contract for, or both, qualified teachers
22 and other qualified instructional personnel at a public school that
23 formerly operated as an achievement school as necessary to carry
24 out the purposes of the community district.

25 (6) If a school district partners with an education management
26 organization for a dropout recovery program as described under
27 section 23a of the state school aid act of 1979, MCL 388.1623a, the
28 teacher of record for that program may be employed by or contracted
29 through the education management organization.



(7) If a school district is the provider of virtual courses under section 21f of the state school aid act of 1979, MCL 388.1621f, or if the school district has adopted or renewed its adoption of a program or programs for e-learning days under section 1851b, the board of the school district may contract for qualified teachers and other qualified instructional personnel.

(8) ~~(7)~~—As used in this section:

(a) "Achievement school" means a public school formerly within the education achievement system that was operated, managed, authorized, established, or overseen by the achievement authority.

(b) "Education management organization" means that term as defined in section 23a of the state school aid act of 1979, MCL 388.1623a.

(c) "Provider" means that term as defined in section 21f of the state school aid act of 1979, MCL 388.1621f.

(d) ~~(e)~~—"Teacher" does not include a substitute teacher.

(e) ~~(d)~~—"Teacher of record" means that term as defined in section 23a of the state school aid act of 1979, MCL 388.1623a.

Sec. 1851b. (1) Subject to subsection (6), the department shall develop or adopt a program for the use of e-learning days that meets all of the requirements listed in subsection (4) that may be adopted or renewed and implemented by school districts, intermediate school districts, and public school academies.

(2) Subject to subsection (6), the board of a school district or intermediate school district or board of directors of a public school academy, by a resolution of the board or board of directors, may adopt a research-based program or programs or renew its adoption of a research-based program or programs for e-learning days that permit pupil instruction to be received electronically on



1 e-learning days. The board of a school district or intermediate
2 school district or board of directors of a public school academy
3 that adopts or renews a program or programs for e-learning days
4 under this subsection shall do both of the following:

5 (a) The board of an intermediate school district shall submit
6 its adopted or renewed program or programs for e-learning days to
7 the department not later than 14 days following the adoption or
8 renewal. The board of a school district shall submit its adopted or
9 renewed program or programs for e-learning days to its intermediate
10 school district not later than 14 days following the adoption or
11 renewal. The board of directors of a public school academy shall
12 submit its adopted or renewed program or programs for e-learning
13 days to its authorizing body not later than 14 days following the
14 adoption or renewal.

15 (b) Make its adopted or renewed program or programs for e-
16 learning days accessible through the transparency reporting link
17 located on the school district's, intermediate school district's,
18 or public school academy's website.

19 (3) A program or programs described in this section must not
20 provide for e-learning days each school year in an amount that
21 exceeds the number of e-learning days that may be counted as days
22 of pupil instruction under section 101(4)(b), (c), and (d) of the
23 state school aid act of 1979, MCL 388.1701, for that school year,
24 as specified in that section.

25 (4) A school district, intermediate school district, or public
26 school academy shall not implement a program or programs described
27 in subsection (2) unless the board of the school district or
28 intermediate school district or board of directors of the public
29 school academy ensures that, at a minimum, all of the following are

1 met:

2 (a) All pupils enrolled in the school district, intermediate
3 school district, or public school academy that will be implementing
4 the program or programs will have access to the program or
5 programs.

6 (b) The specific needs of each pupil who will participate in
7 the program or programs are taken into account, including, but not
8 limited to, the needs of special education pupils and pupils
9 identified as English language learners.

10 (c) The program or programs are designed to comply with other
11 requirements under this act and the state school aid act of 1979.

12 (d) Except as otherwise provided under subdivision (g), all
13 teachers and other school staff who will be participating in the
14 program or programs will have access to any and all necessary
15 hardware or software for participation in the program or programs.

16 (e) The program or programs offer at least 5 hours of
17 instructional content or schoolwork on each e-learning day.

18 (f) Except as otherwise provided under subdivision (g), the
19 program or programs provide for, at a minimum, computers, internet,
20 and other forms of electronic communication that are required for
21 the program or programs and that can be accessed from home or from
22 other appropriate remote facilities by all pupils participating in
23 the program or programs.

24 (g) The program or programs provide for nonelectronic
25 materials to be made available to both of the following individuals
26 if both of the following individuals are not provided with access
27 to the necessary technology for the program or programs:

28 (i) Pupils who are participating in the program or programs.

29 (ii) Teachers or other school staff who are participating in



1 the program or programs.

2 (h) The program or programs provide for appropriate learning
3 opportunities for pupils with special needs.

4 (i) The program or programs provide for a method to verify
5 each pupil's participation in the program or programs.

6 (j) The program or programs provide for a process for tracking
7 pupil progress and for addressing the extent to which pupil
8 participation is within the pupil's control with regard to the
9 time, pace, and means of learning.

10 (k) The program or programs provide for effective notice to
11 pupils and their parents or legal guardians concerning the use of
12 particular school days as e-learning days.

13 (l) The program or programs provide for adequate training in
14 the use of the program or programs for pupils, teachers, and other
15 school staff who will participate in the program or programs.

16 (m) The program or programs provide for a means of ensuring
17 that protocol concerning the general expectations and
18 responsibilities of the program or programs is communicated to
19 teachers, other school staff members, and pupils who will
20 participate in the program or programs and the parents and legal
21 guardians of pupils.

22 (5) An adoption of a program or programs by a school district,
23 intermediate school district, or public school academy or the
24 renewal of an adoption of a program or programs by a school
25 district, intermediate school district, or public school academy
26 under this section expires 1 year after the adoption or renewal.

27 (6) Before a program or programs are adopted or the adoption
28 is renewed by the board of a school district or intermediate school
29 district or board of directors of a public school academy under



1 this section, a public hearing on the proposed adoption or renewal
2 of the adoption of the program or programs must be held. All of the
3 following must be met concerning a public hearing described in this
4 subsection:

5 (a) The public hearing must be held at a meeting of the board
6 or board of directors. A meeting described in this subdivision is
7 subject to the same requirements that apply to a meeting under the
8 open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

9 (b) The terms of the proposed program or programs subject to
10 adoption or renewal must be substantially presented at the public
11 hearing.

12 (c) The public hearing must provide for the opportunity for
13 public comments.

14 (d) Notice of the public hearing is provided not later than 10
15 days before the hearing through written or electronic means
16 designed to reach the parents or legal guardians of all pupils
17 enrolled in the school district, intermediate school district, or
18 public school academy.

19 (7) A program or programs for e-learning days under this
20 section may provide for pupil instruction and interaction between
21 teachers and pupils participating in the program or programs
22 through the usage of any of the following forms of electronic
23 communication that meet the needs of all pupils participating in
24 the program or programs:

25 (a) The internet.

26 (b) Telephones.

27 (c) Text messaging.

28 (d) Online chat room platforms.

29 (e) Means of electronic communication that are similar to



1 those listed in subdivisions (a) to (d).

2 (8) The department may promulgate rules to implement this
3 section that are consistent with this section.

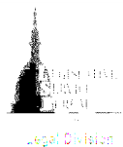
4 (9) As used in this section, "e-learning day" means any of the
5 following:

6 (a) A day on which pupil instruction is received
7 electronically while pupils are not physically present at school
8 because the school is closed due to conditions described in section
9 101(4) (a) of the state school aid act of 1979, MCL 388.1701.

10 (b) A day that is preplanned by the school district,
11 intermediate school district, or public school academy on which
12 pupil instruction is received electronically while pupils are not
13 physically present at school on that day. A day described in this
14 subdivision cannot be scheduled to occur on a Monday or Friday, on
15 a day immediately before or immediately following a scheduled break
16 during which the schools operated by the school district,
17 intermediate school district, or public school academy will not be
18 in session, or on consecutive days.

19 (c) A day on which pupil instruction is received
20 electronically while pupils are not physically present at school
21 because the school district, intermediate school district, or
22 public school academy that operates the school decides to close the
23 school after receiving a notice from the superintendent of public
24 instruction under subsection (11) stating that the school should be
25 closed on that day.

26 (10) The board of a school district or intermediate school
27 district or board of directors of a public school academy that
28 adopts or renews its adoption of a program or programs for e-
29 learning days under this section shall ensure that e-learning days



1 as described in subsection (9)(b) are identified on its school
2 calendar for each school year.

3 (11) For the 2020-2021 school year only, if the superintendent
4 of public instruction determines that it is unsafe for pupils to
5 physically attend a school due to a health emergency, the
6 superintendent of public instruction shall send a notice of his or
7 her determination to the school district, intermediate school
8 district, or public school academy that operates that school. The
9 notice described in this subsection must specify the days for which
10 the superintendent of public instruction determines that it is
11 unsafe for pupils to physically attend the school.

12 Enacting section 1. This amendatory act does not take effect
13 unless all of the following bills of the 100th Legislature are
14 enacted into law:

15 (a) Senate Bill No.____ or House Bill No.____ (request no.
16 06899'20 *).

17 (b) Senate Bill No.____ or House Bill No.____ (request no.
18 07151'20 *).

19 (c) Senate Bill No.____ or House Bill No.____ (request no.
20 07152'20 *).

