

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

380.1248 Right or duty to engage in collective bargaining; minimum requirements for collective bargaining agreement; procedures for personnel decisions.

Sec. 1248. (1) This section does not prohibit, impair, or limit the right or duty of a public school employer and a collective bargaining representative to engage in collective bargaining under 1947 PA 336, MCL 423.201 to 423.217. However, a collective bargaining agreement must include, at a minimum, the standards in this section.

(2) For teachers, as defined under section 1249, when filling a vacancy, placing a teacher in a classroom, or conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position, the board of a school district or intermediate school district or the board of directors of a public school academy shall not adopt, implement, maintain, or comply with a policy or collective bargaining agreement that provides length of service as the sole factor in personnel decisions. This subsection does not prevent length of service from being considered as a tiebreaker if a personnel decision involves 2 or more employees and all other factors distinguishing those employees from each other are equal.

(3) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt, implement, maintain, and comply with clear and transparent procedures for all personnel decisions under this section. Effectiveness as measured under the performance evaluation system in section 1249 or as otherwise collectively bargained must be used as a factor for personnel decisions under this section. Any other relevant factors may be used for personnel decisions under this section, including, but not limited to, the following:

(a) The teacher's length of service in a grade level or subject area.

(b) The teacher's disciplinary record.

(c) Relevant special training. This factor may 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.

History: Add. 2011, Act 102, Imd. Eff. July 19, 2011;—Am. 2023, Act 116, Eff. July 1, 2024.

Compiler's note: For transfer of powers and duties of governor's council on educator effectiveness to department of technology, management and budget, and renaming to Michigan council for educator effectiveness, see E.R.O. No. 2012-2, compiled at MCL 18.444.

Popular name: Act 451