

SUBSTITUTE FOR

HOUSE BILL NO. 4627

(As amended June 8, 2011)

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 THAT OPERATES MORE THAN 1 SCHOOL BUILDING SHALL  
3 ENSURE THAT THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT  
4 ADOPTS, IMPLEMENTS, MAINTAINS, AND COMPLIES WITH A POLICY FOR  
5 PLACEMENT OF TEACHERS [WHEN CONDUCTING A REDUCTION IN FORCE OR A RECALL  
6 FROM A REDUCTION IN FORCE OR IN HIRING AFTER A REDUCTION IN FORCE. THIS  
7 POLICY SHALL BE] BASED ON MUTUAL CONSENT OF THE  
8 TEACHER AND THE SCHOOL PRINCIPAL. THIS POLICY SHALL MEET ALL OF THE  
9 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

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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 OR INTERMEDIATE SCHOOL DISTRICT WITHIN 30 DAYS, THE TEACHER WILL BE  
8 PLACED ON UNPAID LEAVE UNTIL THE TEACHER IS ABLE TO OBTAIN AN  
9 ASSIGNMENT BY MUTUAL CONSENT WITHIN THE SCHOOL DISTRICT OR  
10 INTERMEDIATE SCHOOL DISTRICT. IF THE TEACHER OBTAINS AN ASSIGNMENT  
11 BY MUTUAL CONSENT WITHIN THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
12 DISTRICT WHILE PLACED ON UNPAID LEAVE, THE SCHOOL DISTRICT OR  
13 INTERMEDIATE SCHOOL DISTRICT SHALL REINSTATE THE TEACHER'S SALARY  
14 AND BENEFITS AT THE LEVEL AT WHICH THEY WOULD HAVE BEEN IF THE  
15 TEACHER HAD NOT BEEN PLACED ON THE UNPAID LEAVE.

[ (D) THE POLICY SHALL PROVIDE THAT A TEACHER WHO IS RATED AS EITHER  
EFFECTIVE OR HIGHLY EFFECTIVE ON HIS OR HER MOST RECENT PERFORMANCE  
EVALUATION UNDER SECTION 1249 IS EXEMPT FROM THE POLICY.]

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

24 (3) IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR  
25 EMPLOYEES OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT AS  
26 OF THE EFFECTIVE DATE OF THIS SECTION AND IF THAT COLLECTIVE  
27 BARGAINING AGREEMENT PREVENTS COMPLIANCE WITH SUBSECTION (1), THEN

1 SUBSECTION (1) DOES NOT APPLY TO THAT SCHOOL DISTRICT OR  
2 INTERMEDIATE SCHOOL DISTRICT UNTIL AFTER THE EXPIRATION OF THAT  
3 COLLECTIVE BARGAINING AGREEMENT.

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

6 SEC. 1248. (1) FOR TEACHERS, AS DEFINED IN SECTION 1 OF  
7 ARTICLE I OF 1937 (EX SESS) PA 4, MCL 38.71, ALL OF THE FOLLOWING  
8 APPLY TO POLICIES REGARDING PERSONNEL DECISIONS WHEN CONDUCTING A  
9 REDUCTION IN FORCE OR A RECALL FROM A REDUCTION IN FORCE OR IN  
10 HIRING AFTER A REDUCTION IN FORCE BY A SCHOOL DISTRICT OR  
11 INTERMEDIATE SCHOOL DISTRICT:

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

22 (B) SUBJECT TO SUBDIVISION (C), THE BOARD OF A SCHOOL DISTRICT  
23 OR INTERMEDIATE SCHOOL DISTRICT SHALL ENSURE THAT THE SCHOOL  
24 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT ADOPTS, IMPLEMENTS,  
25 MAINTAINS, AND COMPLIES WITH A POLICY THAT PROVIDES THAT ALL  
26 PERSONNEL DECISIONS WHEN CONDUCTING A REDUCTION IN FORCE OR ANY  
27 OTHER PERSONNEL DETERMINATION RESULTING IN THE ELIMINATION OF A

1 POSITION OR A RECALL FROM A REDUCTION IN FORCE OR ANY OTHER  
2 PERSONNEL DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION  
3 OR IN HIRING AFTER A REDUCTION IN FORCE OR ANY OTHER PERSONNEL  
4 DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION, ARE BASED  
5 ON EFFECTIVENESS. EFFECTIVENESS SHALL BE MEASURED BY THE  
6 PERFORMANCE EVALUATION SYSTEM UNDER SECTION 1249, AND THE PERSONNEL  
7 DECISIONS SHALL BE MADE BASED ON THE FOLLOWING FACTORS:

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

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

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

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

24 (iii) RELEVANT SPECIAL TRAINING. THIS FACTOR SHALL BE BASED ON  
25 COMPLETION OF RELEVANT TRAINING OTHER THAN THE PROFESSIONAL  
26 DEVELOPMENT OR CONTINUING EDUCATION THAT IS REQUIRED BY THE  
27 EMPLOYER OR BY STATE LAW, AND INTEGRATION OF THAT TRAINING INTO

1 INSTRUCTION IN A MEANINGFUL WAY.

2 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, LENGTH  
3 OF SERVICE SHALL NOT BE A FACTOR IN A PERSONNEL DECISION DESCRIBED  
4 IN SUBDIVISION (A) OR (B). HOWEVER, IF THAT PERSONNEL DECISION  
5 INVOLVES 2 OR MORE EMPLOYEES AND ALL OTHER FACTORS DISTINGUISHING  
6 THOSE EMPLOYEES FROM EACH OTHER ARE EQUAL, THEN LENGTH OF SERVICE  
7 MAY BE CONSIDERED AS A TIEBREAKER.

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

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

18 (a) House Bill No. 4625.

19 (b) House Bill No. 4626.

20 (c) House Bill No. 4628.