

HOUSE BILL No. 4178

February 1, 2011, Introduced by Rep. Nathan 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~~ **NOT** later than
2 September 1 of each year, the superintendent of public instruction
3 shall publish a list identifying the public schools in this state
4 that the department has determined to be among the lowest achieving
5 5% of all public schools in this state, as defined for the purposes
6 of 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. **WITH THIS LIST, THE SUPERINTENDENT**
9 **OF PUBLIC INSTRUCTION SHALL ALSO PUBLISH A SUMMARY IDENTIFYING EACH**
10 **SCHOOL DISTRICT THAT OPERATES AT LEAST 1 OF THE PUBLIC SCHOOLS ON**

1 THE LIST, THE NUMBER OF PUBLIC SCHOOLS THAT THE SCHOOL DISTRICT
2 OPERATES THAT ARE ON THE LIST AND THE NUMBER OF PUPILS ENROLLED IN
3 THOSE PUBLIC SCHOOLS, AND THE TOTAL NUMBER OF PUBLIC SCHOOLS THAT
4 THE SCHOOL DISTRICT OPERATES AND TOTAL NUMBER OF PUPILS ENROLLED IN
5 THE SCHOOL DISTRICT.

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

1 that meets the requirements of subsection (8).

2 (3) Within 30 days after receipt of a redesign plan for a
3 public school under subsection (2), the state school
4 reform/redesign officer shall issue an order approving,
5 disapproving, or making changes to the redesign plan. If the order
6 makes changes to the redesign plan, the school board or board of
7 directors has 30 days after the order to change the redesign plan
8 to incorporate those changes into the redesign plan and resubmit it
9 to the state school reform/redesign officer for approval or
10 disapproval.

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

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

27 (6) The state school reform/redesign school district is

1 created. The state school reform/redesign school district is a
2 school district for the purposes of section 11 of article IX of the
3 state constitution of 1963 and for receiving state school aid under
4 the state school aid act of 1979 and is subject to the leadership
5 and general supervision of the state board over all public
6 education under section 3 of article VIII of the state constitution
7 of 1963. The state school reform/redesign school district is a body
8 corporate and is a governmental agency. Except as otherwise
9 provided in subsection (7), if the state school reform/redesign
10 officer does not approve the redesign plan, or if the state school
11 reform/redesign officer determines that the redesign plan is not
12 achieving satisfactory results, the state school reform/redesign
13 officer shall issue an order placing the public school in the state
14 school reform/redesign school district, imposing for the public
15 school implementation of 1 of the 4 school intervention models
16 described in subsection (2) beginning with the beginning of the
17 next school year, and imposing an addendum to each applicable
18 collective bargaining agreement in effect for the public school as
19 necessary to implement the school intervention model and that meets
20 the requirements of subsection (8). All of the following apply to
21 the state school reform/redesign school district:

22 (a) The state school reform/redesign school district shall
23 consist of schools that are placed in the state school
24 reform/redesign school district.

25 (b) The state school reform/redesign officer shall act as the
26 superintendent of the state school reform/redesign school district.
27 With respect to schools placed in the state school reform/redesign

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

19 (i) Authority over the expenditure of all funds attributable to
20 pupils at that school, including that portion of proceeds from
21 bonded indebtedness and other funds dedicated to capital projects
22 that would otherwise be apportioned to that school by the school
23 board that previously operated the school according to the terms of
24 the bond issue or financing documents.

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

1 (iii) Rights to prosecute and defend litigation.

2 (iv) Rights and obligations under statute, rule, and common
3 law.

4 (v) Authority to delegate any of the state school
5 reform/redesign officer's powers and duties to 1 or more designees,
6 with proper supervision by the state school reform/redesign
7 officer.

8 (vi) Power to terminate any contract or portion of a contract
9 entered into by the school board that applies to that school.

10 However, this subsection does not allow any termination or
11 diminishment of obligations to pay debt service on legally
12 authorized bonds and does not allow a collective bargaining
13 agreement to be affected except as provided under subsection (8). A
14 contract terminated by the state school reform/redesign officer
15 under this subsection is void.

16 (7) If the state school reform/redesign officer determines
17 that better educational results are likely to be achieved by
18 appointing a chief executive officer to take control of multiple
19 public schools, the state school reform/redesign officer may make a
20 recommendation to the superintendent of public instruction for
21 appointment of a chief executive officer to take control over those
22 multiple schools. If the superintendent of public instruction
23 appoints a chief executive officer to take control of multiple
24 public schools under this subsection, the chief executive officer
25 shall impose for those public schools implementation of 1 of the 4
26 school intervention models described in subsection (2) and impose
27 an addendum to each applicable collective bargaining agreement in

1 effect for those public schools as necessary to implement the
2 school intervention model and that meets the requirements of
3 subsection (8). With respect to those public schools, the chief
4 executive officer has all of the same powers and duties that the
5 state school reform/redesign officer has for public schools placed
6 in the state school reform/redesign school district under
7 subsection (6). The chief executive officer shall regularly submit
8 monitoring reports to the state school reform/redesign officer on
9 the implementation and results of the intervention model in the
10 form and manner, and according to a schedule, as determined by the
11 state school reform/redesign officer. The chief executive officer
12 shall exercise any other powers or duties over the public schools
13 as may be directed by the superintendent of public instruction.

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

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

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

26 (c) That the state school reform/redesign officer shall direct
27 the expenditure of all funds attributable to pupils at the public

1 school and the principal or other school leader designated by the
2 state school reform/redesign officer shall have full autonomy and
3 control over curriculum and discretionary spending at the public
4 school.

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

20 (10) If the state school reform/redesign officer imposes the
21 restart model for a public school in the state school
22 reform/redesign school district, or a chief executive officer under
23 subsection (7) imposes the restart model for multiple public
24 schools under that subsection, all of the following apply:

25 (a) The state school reform/redesign officer or chief
26 executive officer shall enter into an agreement with an educational
27 management organization to manage and operate the public school or

1 schools. The state school reform/redesign officer or chief
2 executive officer shall provide sufficient oversight to ensure that
3 the public school or schools will be operated according to all of
4 the requirements for a restart model.

5 (b) There shall be considered to be no collective bargaining
6 agreement in effect that applies to employees working at the public
7 school or schools under this model at the time of imposition of the
8 model.

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

14 (a) A collective bargaining agreement that applies to
15 employees working at the public school or schools under this model
16 at the time of imposition of the model, and any successor
17 collective bargaining agreement, continues to apply with respect to
18 pay scales and benefits.

19 (b) Subject to any addendum to the collective bargaining
20 agreement that applies to the public school or schools, an employee
21 who is working at the public school or schools and who was
22 previously employed in the same school district that previously
23 operated that school shall continue to retain and accrue seniority
24 rights in that school district according to the collective
25 bargaining agreement that applies to employees of that school
26 district.

27 (12) If more than 9 public schools operated by a school

1 district are on the list under subsection (1), the transformation
2 model may not be implemented for more than 50% of those schools.

3 (13) If the state school reform/redesign officer determines
4 that a public school that is subject to the measures under
5 subsection (6) or (7) has made significant improvement in pupil
6 achievement and should be released from the measures that have been
7 imposed under subsection (6) or (7), the state school
8 reform/redesign officer may recommend this to the superintendent of
9 public instruction. If the superintendent of public instruction
10 agrees with the determination and recommendation, the
11 superintendent of public instruction may release the public school
12 from the measures that have been imposed under subsection (6) or
13 (7).

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

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

27 (a) The federal work rules and formula.

1 (b) A list of the public schools in this state that have been
2 identified for these purposes as being among the lowest achieving
3 5% of all public schools in this state. The department shall update
4 this list as it considers appropriate.