

HOUSE BILL No. 4215

February 9, 2011, Introduced by Reps. Pscholka and McMillin and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

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 superintendent of public instruction shall issue an

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

26 (3) Within 30 days after receipt of a redesign plan for a
27 public school under subsection (2), the state school

1 reform/redesign officer shall issue an order approving,
2 disapproving, or making changes to the redesign plan. If the order
3 makes changes to the redesign plan, the school board or board of
4 directors, **OR, IF AN EMERGENCY MANAGER IS IN PLACE UNDER THE LOCAL**
5 **GOVERNMENT AND SCHOOL DISTRICT FISCAL ACCOUNTABILITY ACT, THE**
6 **EMERGENCY MANAGER**, has 30 days after the order to change the
7 redesign plan to incorporate those changes into the redesign plan
8 and resubmit it to the state school reform/redesign officer for
9 approval or disapproval.

10 (4) The state school reform/redesign officer shall not
11 disapprove a redesign plan that includes all of the elements
12 required under federal law for the school intervention model
13 included in the redesign plan. A school board or board of
14 directors, **OR, IF AN EMERGENCY MANAGER IS IN PLACE UNDER THE LOCAL**
15 **GOVERNMENT AND SCHOOL DISTRICT FISCAL ACCOUNTABILITY ACT, THE**
16 **EMERGENCY MANAGER**, may appeal disapproval of a redesign plan on
17 this basis to the superintendent of public instruction. The
18 decision of the superintendent of public instruction on the appeal
19 is final.

20 (5) If the state school reform/redesign officer approves a
21 redesign plan under this section, the school board or board of
22 directors, **OR, IF AN EMERGENCY MANAGER IS IN PLACE UNDER THE LOCAL**
23 **GOVERNMENT AND SCHOOL DISTRICT FISCAL ACCOUNTABILITY ACT, THE**
24 **EMERGENCY MANAGER**, shall implement the redesign plan for the public
25 school beginning with the beginning of the next school year that
26 begins after the approval. The school board or board of directors,
27 **OR, IF AN EMERGENCY MANAGER IS IN PLACE UNDER THE LOCAL GOVERNMENT**

1 AND SCHOOL DISTRICT FISCAL ACCOUNTABILITY ACT, THE EMERGENCY

2 MANAGER, shall regularly submit monitoring reports to the state
3 school reform/redesign officer on the implementation and results of
4 the plan in the form and manner, and according to a schedule, as
5 determined by the state school reform/redesign officer.

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

1 (a) The state school reform/redesign school district shall
2 consist of schools that are placed in the state school
3 reform/redesign school district.

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

25 (i) Authority over the expenditure of all funds attributable to
26 pupils at that school, including that portion of proceeds from
27 bonded indebtedness and other funds dedicated to capital projects

1 that would otherwise be apportioned to that school by the school
2 board that previously operated the school according to the terms of
3 the bond issue or financing documents.

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

7 (iii) Rights to prosecute and defend litigation.

8 (iv) Rights and obligations under statute, rule, and common
9 law.

10 (v) Authority to delegate any of the state school
11 reform/redesign officer's powers and duties to 1 or more designees,
12 with proper supervision by the state school reform/redesign
13 officer.

14 (vi) Power to terminate any contract or portion of a contract
15 entered into by the school board that applies to that school.
16 However, this subsection does not allow any termination or
17 diminishment of obligations to pay debt service on legally
18 authorized bonds and does not allow a collective bargaining
19 agreement to be affected except as provided under subsection (8). A
20 contract terminated by the state school reform/redesign officer
21 under this subsection is void.

22 (7) If the state school reform/redesign officer determines
23 that better educational results are likely to be achieved by
24 appointing a chief executive officer to take control of multiple
25 public schools, the state school reform/redesign officer may make a
26 recommendation to the superintendent of public instruction for
27 appointment of a chief executive officer to take control over those

multiple schools. If the superintendent of public instruction appoints a chief executive officer to take control of multiple public schools under this subsection, the chief executive officer shall impose for those public schools implementation of 1 of the 4 school intervention models described in subsection (2) and impose an addendum to each applicable collective bargaining agreement in effect for those public schools as necessary to implement the school intervention model and that meets the requirements of subsection (8). With respect to those public schools, the chief executive officer has all of the same powers and duties that the state school reform/redesign officer has for public schools placed in the state school reform/redesign school district under subsection (6). The chief executive officer shall regularly submit monitoring reports to the state school reform/redesign officer on the implementation and results of the intervention model in the form and manner, and according to a schedule, as determined by the state school reform/redesign officer. The chief executive officer shall exercise any other powers or duties over the public schools as may be directed by the superintendent of public instruction.

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

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

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

5 (c) That the state school reform/redesign officer shall direct
6 the expenditure of all funds attributable to pupils at the public
7 school and the principal or other school leader designated by the
8 state school reform/redesign officer shall have full autonomy and
9 control over curriculum and discretionary spending at the public
10 school.

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

26 (10) If the state school reform/redesign officer imposes the
27 restart model for a public school in the state school

1 reform/redesign school district, or a chief executive officer under
2 subsection (7) imposes the restart model for multiple public
3 schools under that subsection, all of the following apply:

4 (a) The state school reform/redesign officer or chief
5 executive officer shall enter into an agreement with an educational
6 management organization to manage and operate the public school or
7 schools. The state school reform/redesign officer or chief
8 executive officer shall provide sufficient oversight to ensure that
9 the public school or schools will be operated according to all of
10 the requirements for a restart model.

11 (b) There shall be considered to be no collective bargaining
12 agreement in effect that applies to employees working at the public
13 school or schools under this model at the time of imposition of the
14 model.

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

20 (a) A collective bargaining agreement that applies to
21 employees working at the public school or schools under this model
22 at the time of imposition of the model, and any successor
23 collective bargaining agreement, continues to apply with respect to
24 pay scales and benefits.

25 (b) Subject to any addendum to the collective bargaining
26 agreement that applies to the public school or schools, an employee
27 who is working at the public school or schools and who was

1 previously employed in the same school district that previously
2 operated that school shall continue to retain and accrue seniority
3 rights in that school district according to the collective
4 bargaining agreement that applies to employees of that school
5 district.

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

9 (13) If the state school reform/redesign officer determines
10 that a public school that is subject to the measures under
11 subsection (6) or (7) has made significant improvement in pupil
12 achievement and should be released from the measures that have been
13 imposed under subsection (6) or (7), the state school
14 reform/redesign officer may recommend this to the superintendent of
15 public instruction. If the superintendent of public instruction
16 agrees with the determination and recommendation, the
17 superintendent of public instruction may release the public school
18 from the measures that have been imposed under subsection (6) or
19 (7).

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

25 (15) As soon as practicable after the federal department of
26 education has adopted the final work rules and formula for
27 identifying the lowest achieving 5% of all public schools in this

1 state for the purposes of the federal incentive grant program
2 created under sections 14005 and 14006 of title XIV of the American
3 recovery and reinvestment act of 2009, Public Law 111-5, known as
4 the "race to the top" grant program, the department shall post all
5 of the following on its website:

6 (a) The federal work rules and formula.

7 (b) A list of the public schools in this state that have been
8 identified for these purposes as being among the lowest achieving
9 5% of all public schools in this state. The department shall update
10 this list as it considers appropriate.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 4214(request no.
13 00011'11) of the 96th Legislature is enacted into law.