

REMOVE PREFERENCE IN SPECIAL EDUCATION HIRING

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House Bill 5796 as introduced
Sponsor: Rep. Phil Potvin
Committee: Education
Complete to 9-21-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5796 would repeal Section 1766 of the Revised School Code (Public Act 451 of 1976), which currently provides employment preference for certain school personnel in special education programs and services. Under this bill, this employment preference (as described below) would be removed.

Law to be repealed

Currently, Section 1766 requires the board of a constituent district which is hiring additional personnel in order to implement special education programs and services, to employ an employee of the intermediate school district (ISD) in which it is located, whose program or service is being discontinued, before considering other applicants. It also provides that all rights and benefits owed to the special education personnel when they worked for the constituent school district transfer with them to the ISD.

These formerly-constituent district, now-ISD personnel are also currently entitled to all rights and benefits described in the Teachers' Tenure Act (MCL 38.71 to 38.191), which includes provisions on qualifications as a teacher; a probationary period as a teacher; discharge, demotion, or retirement; suspension; resignation or leave of absence; and the responsibilities of the state tenure commission; except that the controlling board of the ISD may subject the personnel to another probationary period of one year. This section does not apply when the affected person is covered under an agreement which provides substantially the same benefits.

FISCAL IMPACT:

This bill would have no direct fiscal impact on the state, but it could have an indeterminate fiscal impact for school districts and public school academies (PSAs). In removing section 1766, the school district or PSA would be able make independent decisions regarding hiring, compensation, and benefits for special education personnel, which could allow them to reduce costs. The state is required to reimburse districts for approximately 28.6% of all special education costs, so a reduction in local costs could result in state savings as well.

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