

## **SCHOOL CALENDAR EXCLUDED FROM COLLECTIVE BARGAINING TOPICS**

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**House Bill 4163 (reported from committee w/o amendment)**  
**Sponsor: Rep. Daniela R. Garcia**  
**Committee: Education Reform**  
**Complete to 3-22-17**

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

***BRIEF SUMMARY:*** House Bill 4163 would amend the Public Employment Relations Act (PERA)—Public Act 336 of 1947—to exclude the school year calendar and schedule from the topics subject to collective bargaining between a public school employer and a bargaining representative of its employees. It would take effect 90 days after enactment.

***FISCAL IMPACT:*** The bills would have no fiscal impact on the state, but would presumably decrease school district and intermediate district costs by an indeterminate amount by further limiting the subjects of bargaining.

### ***THE APPARENT PROBLEM:***

The bill sponsor argues that the bill, by removing the calendar from collective bargaining, would make the creation of a calendar to be a school board and administration decision, and that this will provide stability and certainty regarding the school calendar for students and parents.

### ***THE CONTENT OF THE BILL:***

Section 15 of PERA lists the topics that are not subject to a collective bargaining agreement between a public school employer and a bargaining representative of its employees. These off-limits topics range from certain insurance concerns, the amount of pupil contact time required to receive full State School Aid, and decisions about the use of volunteers and placement of teachers. House Bill 4163 would add the calendar and schedule for the school year to the list of prohibited topics for collective bargaining.

MCL 423.215

### ***BACKGROUND INFORMATION:***

House Bill 5194 of the 2015-2016 legislative session was nearly identical to this legislation, with the language slightly updated in HB 4163 ("must" instead of "shall"). HB 5194 was reported by the House Education committee in February of 2016, but was not voted upon by the full House.

## ***ARGUMENTS:***

### ***For:***

Proponents of the bill repeatedly stated that children need stability and clarity, and so do their parents. They said that this bill would give school administrators the authority to create and distribute a school calendar five years in advance, which would allow students and parents to plan ahead.

Further, proponents say that superintendents will be able to account for the best interests of the children in crafting the school calendar, without having to subjugate those interests to less pressing concerns. Local activities and convenient holiday breaks should never take priority over education.

For example, one superintendent testified during testimony on HB 5194 of 2016 that negotiations with teachers led to a 2016-2017 holiday break extending from December 22-January 9, for a total of 17 days, in that district. This long break in the middle of the school year is detrimental to students, who lose skills during extended breaks from school, but was a concession that the administration had to make to teachers. This bill would ensure that, going forward, educational interest are first and foremost when creating a school calendar.

### ***Against:***

Opponents argued that the school calendar is a reasonable issue for bargaining. Administrators claim that they should have sole discretion over creating the school calendar, as they represent the interests of the children, but teachers who actually have far more interaction with the children and parents may make that same claim. In any event, surely two interested parties, with occasionally competing viewpoints, are more likely to create a calendar that accurately represents the community.

Opponents further argued that just as the interests of children is a valuable part of the conversation, the interests of the adults who teach them should not be diminished. By removing teachers from the calendar-making process, we send the message that their motives are suspect and their input is unwelcome. In a profession where attracting the best and brightest is so vital, do we really want to alienate and disrespect the people who actually do the important work of educating Michigan's children?

And although some communities struggle to compromise on a schedule, others benefit from the process. According to written testimony, after 20 years of a dysfunctional final exam schedule, the teachers and administration in Haslett spent six months developing a more student-centered exam schedule, incorporating half-days into the high school calendar for the first time. Collaborative work such as that would be impossible if teachers lose their seats at the table.

Moreover, the concerns of teachers are more likely to reflect the concerns of the community at large, say some critics. Superintendents are often not native to the area, and do not always understand, respect, or value the traditions and culture of the community.

Especially in rural communities, where the school calendar has traditionally accounted for the county fair and hunting season, teachers are more likely to protect these cultural activities than transient superintendents.

***POSITIONS:***

A representative of the Mecosta-Osceola Intermediate School District testified in support of the bill. (3-9-17)

A representative of Allendale Public Schools testified in support of the bill. (3-9-17)

The following organizations support the bill:

Michigan Association of Secondary School Principals (3-9-17)

Grand Rapids Area Chamber of Commerce (3-9-17)

Great Lakes Education Project (3-9-17)

Michigan Freedom Fund (3-9-17)

West Michigan Talent Triangle (3-9-17)

Michigan Association of Intermediate School Administrators (3-9-17)

Education Service Agencies Legislative Group (3-9-17)

Michigan Association of School Administrators (3-9-17)

The following organizations oppose the bill:

AFSCME Council 25 (3-9-17)

American Federation of Teachers-Michigan (3-9-17)

Michigan Education Association (3-9-17)

Michigan State AFL-CIO (3-9-17)

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