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House Bill 4293 (as passed by the House)
House Bill 4294 (Substitute H-2 as passed by the House)
Sponsor: Representative John Damoose (H.B. 4293)
Representative Brad Paquette (H.B. 4294)
House Committee: Education
Senate Committee: Education and Career Readiness

Date Completed: 12-7-21

CONTENT

House Bill 4293 would amend Public Act 336 of 1947, which prohibits strikes by certain public employees, to do the following:

- **Prohibit collective bargaining between a public school employer and a bargaining representative of its employees from including decisions about the employment of an individual as a substitute teacher as specified under House Bill 4294 (H-2).**
- **Remove language pertaining to collective bargaining if a public school is placed in the State school reform/redesign school district or is placed under a chief executive officer (CEO).**
- **Remove language pertaining to a public school employer's collective bargaining duty in regard to schools operating under one of the four school intervention models implemented by the Superintendent of Public Instruction (SPI).**

House Bill 4294 (H-2) would amend the Revised School Code to do the following:

- **Allow the board of a school district or ISD, beginning on the bill's effective date and through June 30, 2022, to employ an individual without a certificate or permit who did not otherwise meet the requirements of a substitute teacher.**
- **Prescribe conditions that individual would have to meet to be employed as a substitute teacher under the bill.**
- **Prescribe conditions with respect to the compensation of an individual employed as a substitute teacher under the bill.**
- **Prohibit termination of or retaliation against an individual who declined employment or assignment as a substitute teacher based on his or her refusal.**

The bills are tie-barred.

House Bill 4293

Public Act 336 of 1947 prohibits collective bargaining between a public school employer and a bargaining representative of its employees from including specified subjects. Under the bill, collective bargaining could not include decisions about the employment of an individual as a substitute teacher under Section 1233(10) of the Revised School Code (which House Bill 4293 (H-2) would add to allow a district or ISD to employ an employee of the district or ISD as a substitute teacher until June 20, 2022).

Currently, if a public school is placed in the State school reform/redesign school district or is placed under a CEO, then for the purpose of collective bargaining, the State school reform/redesign officer or CEO, as applicable, is the public school employer of the public school employees of that school for as long as the school is part of the State school reform/redesign school district or operated by the CEO. The bill would remove this language.

A public school employer's collective bargaining duty and a collective bargaining agreement entered into by a public school employer are subject to the following:

- Any effect on collective bargaining and any modification of a collective bargaining agreement occurring under Section 1280g of the Revised School Code.
- For a public school in which the SPI implements one of the four schools intervention models (described under Section 1280c of the Code), if the school intervention model that is implemented affects collective bargaining or requires modification of a collective bargaining agreement, any effect on collective bargaining and any modification of collective bargaining agreement under that school intervention model.

The bill would remove the second condition.

House Bill 4294 (H-2)

Among other things, the Code prescribes the conditions that an individual without a teaching certificate must meet in order for the board of a school district or intermediate school district (ISD) to employ him or her as a substitute teacher. To be employed as a substitute teacher without a teaching certificate, an individual must meet either of the following:

- Have at least 60 semester hours of college credit or an associate degree from a college, university, or community college.
- For substitute teaching a course in an industrial technology education program or a career and technical education program, the individual is engaged to substitute teach in a subject matter or field in which he or she has achieved expertise, as determined by the board of a school district or ISD, and additional criteria specified in the Code.

Beginning on the bill's effective date through June 20, 2022, the board of a school district or ISD could employ an individual without a certificate or permit who did not meet the requirements of a substitute teacher if both of the following were met:

- The individual had a high school diploma or equivalency certificate and he or she was employed by or worked at the school district or ISD.
- The board ensured that, if the individual's existing salary as an employee of or worker at the district or ISD were higher than the salary of a substitute teacher who was employed at or worked at the district or ISD, the individual's salary for his or her employment as a substitute teacher could not be lower than his or her existing salary or, if the individual's existing salary as an employee of or worker at the district or ISD were lower than the salary of a substitute teacher, that individual's salary for his or her work as a substitute teacher would have to be equal to or greater than the salary of a substitute teacher who was employed at or worked at the schools district or ISD.

An individual who declined employment or assignment as a substitute teacher could not be terminated from his or her existing employment or assignment and could not be subject to retaliation solely for declining the employment or assignment.

MCL 423.215 (H.B. 4293)
380.1233 (H.B. 4294)

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bills would have no fiscal impact on the State and an indeterminate fiscal impact on local ISDs, school district, and public school academies. The final fiscal impact would depend on current staffing level of substitutes and teachers at a school and whether the bills would allow schools to hire additional staff that schools otherwise could not have hired.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.