



**House  
Legislative  
Analysis  
Section**

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**COOPERATIVE EDUCATION PROGRAMS**

**House Bills 5620 and 5621**

Sponsor: Rep. Robert DeMars  
Committee: Education

Complete to 8-30-90

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**A SUMMARY OF HOUSE BILLS 5620 AND 5621 AS  
INTRODUCED 3-15-90**

House Bill 5620 would amend the School Code (MCL 380.627) to establish new regulations for intermediate and local school districts to follow in operating cooperative education programs and to put in place certain employee protections for when such programs are created and dissolved. House Bill 5621 would make complementary changes to the School Aid Act (MCL 388.1621) and is tied to House Bill 5620. Under the bills, cooperative education programs could be conducted by an intermediate school district or by a local school district acting as an "administering district" for a group of districts but such programs could not be conducted, as is currently permitted, by a consortium or other independent entity. Reference to funding of consortiums in the School Aid Act would be removed, including language requiring the department to "encourage the development of consortia among districts of less than 5,000" pupils for providing programs for "gifted and talented" pupils.

Under House Bill 5620, a school district board, except for the board of a primary school district, could only participate in a cooperative education program pursuant to the provisions of the bill. "Cooperative education program" (CEP) would mean a program such as adult education, early childhood education, alternative education, special education, dropout education, dropout prevention, community education, vocational education, or other similar programs approved by the Department of Education that were provided on a cooperative basis by two or more districts. Such programs would also include those which met food, custodial, or transportation needs, and those designed to merge the teaching of certain courses among districts. Under the bill, districts could not offer cooperative programs using a consortium or other independent entity. A CEP plan agreement would have to be in writing.

Administering District. Cooperating districts (those which were parties to a CEP) would have to pick a district from among themselves to be the CEP's administering district. A CEP administering district would have to:

- develop, establish, and annually evaluate and modify a cooperative education plan, along with the cooperative education advisory committee established by the bill;
- be the employer of all personnel needed to staff the CEP according to the developed plan;
- accept and use available funds or contributions from public or private sources for offering acceptable programs;
- lease, purchase, or otherwise acquire vehicles, sites, or buildings and equip these for its CEP staff, programs, and services; and
- operate the CEP as provided by the cooperative education plan.

Following a developed plan and with the agreement of the cooperating districts and their respective collective

bargaining representatives, the administering district could delegate the management, operation, administration, or supervision of the CEP to one or more other involved districts. If this occurred, the districts so chosen would be considered the employer of all personnel specified in the CEP plan. Also, an administering district would have to provide fiscal and staff resources needed to operate the cooperative education advisory committee.

CEP Plan. A CEP plan and plan changes, except for a change that would affect or was the result of a collective bargaining agreement, would have to be approved by a majority vote of the members serving on 1) each cooperating district's board, 2) the cooperative education advisory committee, and 3) the state board of education. A CEP plan would be a three-year plan that described those educational programs which the CEP would deliver to cooperating districts, and would include administrative, managerial, operational, and fiscal details of programs in each cooperating district. A plan also could include long range plans for programs in future years.

A CEP plan would not take effect before the first July 1 occurring after state board approval of the plan unless an earlier date was agreed to by the administering district and its collective bargaining representatives. A suggested change to a plan, except for one related to a collective bargaining agreement, could not take effect without board approval from each involved district and from the CEP advisory committee within 14 calendar days after the administering district's board approved the change. Such a plan change also would be subject to state board approval.

Advisory Committee. A cooperative education advisory committee would have to be formed for each CEP and would have the following members from each district: a representative of program recipients chosen by a district's board; a board-appointed representative of management; and a delegate for nonsupervisory employees appointed by their collective bargaining representatives or, if none existed, by the district board.

Employee Protections. An employee of a cooperating district who was laid off or whose employment was terminated due to formation of a CEP would have to be employed, if possible, by the district overseeing the CEP. An employee who had such employment rights would have seniority and associated rights in the administering district based on the appropriate collective bargaining agreement or, if there was no agreement, on the district's seniority standards. Seniority rights would have to be granted as if the employee had originally been employed for the administering district. Employees of a cooperative education program would be entitled to all rights and benefits they would have had if they had originally been employed by the district to which their employment rights attach and all the rights and benefits under the teachers'

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tenure act to which they would have been entitled if they had originally been employed by the district to which they transferred, including tenure status.

If insufficient vacancies existed in the CEP to provide positions to all employees with employment rights, layoffs could occur in accordance with the bargaining agreement or district standards. An employee of a cooperating district who was on layoff on June 1 of the school year immediately before the CEP was implemented could not displace an active employee in any cooperating district. A tenured teacher with employment rights could, however, replace a probationary teacher who worked in a position for which the tenured teacher was certified. A district could not lay off or recall employees to circumvent these protections. Also, an employee who was laid off after a CEP was formed would still have seniority and other rights in the district for which he or she originally worked. Similar protections to those that exist for newly forming CEPs would apply to dissolving programs.

Questions as to the appropriate collective bargaining representative or bargaining unit composition would be dealt with by the Michigan Employment Relations Commission.

Other Provisions. A CEP that existed on the bill's effective date would have to comply with the bill's provisions no later than July 1, 1990. The bill's provisions would supplement those found under Public Act 8 of the Extra Session of 1967, which governs the transfer of functions and duties between political subdivisions. The State Board of Education would be responsible for promulgating rules to implement the bill's provisions.