

HOUSE BILL No. 5620

March 19, 1990, Introduced by Reps. DeMars, Scott, Keith, Bartnik, Wallace, Hoffman, Dolan, Murphy, Joe Young, Jr., Strand, DeBeaussaert, Nye, Stallworth, Law, Hart, Emerson, Gubow, Hickner, Stopczynski, Weeks, Kosteva, Barns, Webb, Jonker, Stupak, Saunders, Trim, London, Camp, Randall and Middaugh and referred to the Committee on Education.

A bill to amend section 627 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

being section 380.627 of the Michigan Compiled Laws; and to add section 1294 and part 25a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 627 of Act No. 451 of the Public Acts of
2 1976, being section 380.627 of the Michigan Compiled Laws, is
3 amended and section 1294 and part 25a are added to read as
4 follows:

5 Sec. 627. The intermediate school board shall:

6 (a) Upon request of the board of a constituent district,
7 furnish services on a management, consultant, or supervisory
8 basis to the district. The intermediate school board may charge

1 a constituent district for the costs of services furnished under
2 this subdivision.

3 ~~(b) Upon request of the board of a constituent district,~~
4 ~~direct, supervise, and conduct cooperative educational programs~~
5 ~~in behalf of the district. The intermediate school board may~~
6 ~~utilize available funds not otherwise obligated by law and accept~~
7 ~~contributions from other sources for the purpose of financing the~~
8 ~~programs. The funds shall be deposited with the treasurer in a~~
9 ~~cooperative education fund and shall be disbursed as the interme-~~
10 ~~diate school board shall direct. The intermediate school board~~
11 ~~may employ personnel and take other action necessary to direct,~~
12 ~~supervise, and conduct cooperative educational programs.~~

13 (B) ~~(c)~~ Conduct EDUCATION cooperative programs mutually
14 agreed upon by 2 or more SCHOOL BOARDS OR intermediate school
15 boards PURSUANT TO PART 25A.

16 SEC. 1294. THE BOARD OF A SCHOOL DISTRICT OTHER THAN A PRI-
17 MARY SCHOOL DISTRICT MAY ONLY PARTICIPATE IN A COOPERATIVE EDUCA-
18 TION PROGRAM PURSUANT TO PART 25A.

19 PART 25A.

20 COOPERATIVE EDUCATION PROGRAMS

21 SEC. 1608. AS USED IN THIS PART:

22 (A) "ADMINISTERING DISTRICT" MEANS:

23 (i) THE DISTRICT RESPONSIBLE FOR THE OPERATION OF THE COOP-
24 ERATIVE EDUCATION PROGRAM AS PROVIDED IN THIS PART.

25 (ii) A COOPERATING DISTRICT TO WHICH THE ADMINISTERING DIS-
26 TRICT DELEGATES MANAGERIAL, OPERATIONAL, ADMINISTRATIVE, OR
27 SUPERVISORY RESPONSIBILITIES PURSUANT TO SECTION 1610.

1 (B) "COOPERATING DISTRICT" MEANS A DISTRICT THAT IS A PARTY
2 TO A COOPERATIVE EDUCATION PROGRAM. COOPERATING DISTRICT
3 INCLUDES, BUT IS NOT LIMITED TO, A DISTRICT THAT DISCONTINUES OR
4 REDUCES A PROGRAM THAT WILL BE PROVIDED ON A COOPERATIVE BASIS.

5 (C) "COOPERATIVE EDUCATION PROGRAM" MEANS A PROGRAM SUCH AS
6 ADULT EDUCATION, EARLY CHILDHOOD EDUCATION, ALTERNATIVE EDUCA-
7 TION, SPECIAL EDUCATION, DROPOUT EDUCATION, DROPOUT PREVENTION,
8 COMMUNITY EDUCATION, VOCATIONAL EDUCATION, A TEEN PARENT PROGRAM,
9 OR OTHER DEPARTMENTAL-APPROVED PROGRAM THAT IS PROVIDED ON A
10 COOPERATIVE BASIS BY 2 OR MORE DISTRICTS PURSUANT TO THIS PART.
11 COOPERATIVE EDUCATION PROGRAM INCLUDES A PROGRAM TO PROVIDE TO 2
12 OR MORE DISTRICTS ANCILLARY SERVICES SUCH AS FOOD, CUSTODIAL, OR
13 TRANSPORTATION SERVICES. COOPERATIVE EDUCATION PROGRAM ALSO
14 INCLUDES A PROGRAM TRANSFER IN WHICH 1 OR MORE DISTRICTS DISCON-
15 TINUE OR REDUCE 1 OR MORE PROGRAMS, INCLUDING, BUT NOT LIMITED
16 TO, SPECIAL EDUCATION AND FOREIGN LANGUAGE THAT ARE THEN PROVIDED
17 TO THE DISCONTINUING DISTRICT BY 1 OR MORE COOPERATING
18 DISTRICTS.

19 (D) "DISTRICT" MEANS A SCHOOL DISTRICT, OTHER THAN A PRIMARY
20 SCHOOL DISTRICT, OR AN INTERMEDIATE SCHOOL DISTRICT, OR BOTH.

21 SEC. 1609. (1) TWO OR MORE DISTRICTS MAY ONLY CONDUCT A
22 COOPERATIVE EDUCATION PROGRAM PURSUANT TO THIS PART. DISTRICTS
23 SHALL NOT CONDUCT 1 OR MORE EDUCATION PROGRAMS ON A COOPERATIVE
24 BASIS THROUGH CREATION AND OPERATION OF A CONSORTIUM OR OTHER
25 INDEPENDENT ENTITY.

26 (2) AN AGREEMENT TO CONDUCT A COOPERATIVE EDUCATION PROGRAM
27 SHALL BE IN WRITING.

1 SEC. 1610. (1) COOPERATING DISTRICTS ENTERING INTO A
2 COOPERATIVE EDUCATION PROGRAM SHALL DESIGNATE A COOPERATING DIS-
3 TRICT TO BE THE ADMINISTERING DISTRICT OF THE COOPERATIVE EDUCA-
4 TION PROGRAM.

5 (2) EXCEPT AS PROVIDED IN THIS SECTION, AN ADMINISTERING
6 DISTRICT SHALL DO ALL OF THE FOLLOWING:

7 (A) IN CONSULTATION WITH THE COOPERATIVE EDUCATION ADVISORY
8 COMMITTEE ESTABLISHED PURSUANT TO SECTION 1610A, DEVELOP, ESTAB-
9 LISH, AND ANNUALLY EVALUATE AND MODIFY A COOPERATIVE EDUCATION
10 PLAN DESCRIBED IN SECTION 1610A.

11 (B) BE THE EMPLOYER OF ALL PERSONNEL NECESSARY TO STAFF THE
12 COOPERATIVE EDUCATION PROGRAM IN ACCORDANCE WITH THE COOPERATIVE
13 EDUCATION PLAN.

14 (C) ACCEPT AND USE AVAILABLE FUNDS OR CONTRIBUTIONS FROM
15 GOVERNMENTAL OR PRIVATE SOURCES FOR THE PURPOSE OF PROVIDING
16 COOPERATIVE EDUCATION PROGRAMS CONSISTENT WITH THIS PART.

17 (D) LEASE, PURCHASE, OR OTHERWISE ACQUIRE VEHICLES, SITES,
18 OR BUILDINGS AND EQUIP THEM FOR ITS COOPERATIVE EDUCATION STAFF,
19 PROGRAMS, AND SERVICES.

20 (E) OPERATE THE COOPERATIVE EDUCATION PROGRAM AS PROVIDED BY
21 THE COOPERATIVE EDUCATION PLAN.

22 (3) PURSUANT TO THE COOPERATIVE EDUCATION PLAN AND WITH THE
23 AGREEMENT OF THE COOPERATING DISTRICTS AND THEIR RESPECTIVE COL-
24 LECTIVE BARGAINING REPRESENTATIVES, THE ADMINISTERING DISTRICT
25 MAY DELEGATE THE MANAGEMENT, OPERATION, ADMINISTRATION, OR SUPER-
26 VISION OF THE COOPERATIVE EDUCATION PROGRAM TO 1 OR MORE OTHER
27 COOPERATING DISTRICTS. IF THIS DELEGATION OCCURS, THOSE

1 COOPERATING DISTRICTS SHALL BE CONSIDERED THE EMPLOYER OF ALL
2 PERSONNEL AS SPECIFIED IN THE COOPERATIVE EDUCATION PLAN FOR PUR-
3 POSES OF THIS PART.

4 SEC. 1610A. (1) EACH COOPERATIVE EDUCATION PLAN AND MODIFI-
5 CATION OF THE PLAN, EXCEPT A MODIFICATION THAT IMPACTS ON, OR IS
6 THE RESULT OF, A COLLECTIVE BARGAINING AGREEMENT, SHALL BE
7 APPROVED BY MAJORITY VOTE OF THE MEMBERS SERVING ON EACH OF THE
8 FOLLOWING:

9 (A) THE BOARD OF EACH COOPERATING DISTRICT.

10 (B) THE COOPERATIVE EDUCATION ADVISORY COMMITTEE.

11 (C) THE STATE BOARD.

12 (2) A COOPERATIVE EDUCATION PLAN IS A 3-YEAR PLAN THAT SETS
13 FORTH THOSE EDUCATIONAL PROGRAMS THAT THE COOPERATIVE EDUCATION
14 PROGRAM WILL DELIVER TO COOPERATING DISTRICTS DURING THE SCHOOL
15 YEARS FOR WHICH THE PLAN WAS DEVELOPED. THE PLAN SHALL ALSO
16 INCLUDE ADMINISTRATIVE, MANAGERIAL, OPERATIONAL, AND FISCAL
17 DETAILS CONCERNING COOPERATIVE EDUCATION PROGRAMS IN EACH COOPER-
18 ATING DISTRICT AND MAY INCLUDE LONG RANGE PLANS FOR COOPERATIVE
19 EDUCATION PROGRAMS IN FUTURE YEARS.

20 (3) A COOPERATIVE EDUCATION ADVISORY COMMITTEE SHALL BE
21 ESTABLISHED FOR EACH COOPERATIVE EDUCATION PROGRAM AND SHALL BE
22 COMPOSED OF ALL OF THE FOLLOWING:

23 (A) A REPRESENTATIVE OF PROGRAM RECIPIENTS FROM EACH COOPER-
24 ATING DISTRICT WHO IS APPOINTED BY THE BOARD OF THAT DISTRICT.

25 (B) A REPRESENTATIVE OF MANAGEMENT FROM EACH COOPERATING
26 DISTRICT WHO IS APPOINTED BY THE BOARD OF THAT DISTRICT.

1 (C) A REPRESENTATIVE OF NONSUPERVISORY EMPLOYEES FROM EACH
2 COOPERATING DISTRICT WHO IS APPOINTED BY THE COLLECTIVE
3 BARGAINING REPRESENTATIVES OF THE NONSUPERVISORY EMPLOYEES OF
4 THAT DISTRICT OR, IF THERE ARE NO COLLECTIVE BARGAINING REPRESENTATIVES, BY THE BOARD OF THAT DISTRICT.

6 (4) AN ADMINISTERING DISTRICT SHALL PROVIDE FISCAL AND STAFF
7 RESOURCES NECESSARY FOR THE OPERATION OF THE COOPERATIVE EDUCATION
8 ADVISORY COMMITTEE DESCRIBED IN SUBSECTION (3).

9 SEC. 1610B. A COOPERATIVE EDUCATION PLAN SHALL NOT TAKE
10 EFFECT BEFORE THE FIRST JULY 1 OCCURRING AFTER RECEIPT OF STATE
11 BOARD APPROVAL UNLESS AN EARLIER DATE IS AGREED UPON BETWEEN THE
12 ADMINISTERING DISTRICT AND ITS COLLECTIVE BARGAINING
13 REPRESENTATIVES. A RECOMMENDED MODIFICATION OF A COOPERATIVE
14 EDUCATION PLAN, EXCEPT A MODIFICATION THAT IMPACTS ON, OR IS THE
15 RESULT OF, A COLLECTIVE BARGAINING AGREEMENT, IS NOT EFFECTIVE
16 WITHOUT THE APPROVAL OF THE BOARD OF EACH COOPERATING DISTRICT
17 AND THE COOPERATIVE EDUCATION ADVISORY COMMITTEE WITHIN 14 CALENDAR
18 DAYS AFTER THE APPROVAL OF THE MODIFICATION BY THE BOARD OF
19 THE ADMINISTERING DISTRICT. A MODIFICATION OF A COOPERATIVE EDUCATION
20 PLAN IS SUBJECT TO STATE BOARD APPROVAL PURSUANT TO
21 SECTION 1610A.

22 SEC. 1610C. (1) AN EMPLOYEE OF A COOPERATING DISTRICT WHO
23 IS LAID OFF OR WHOSE EMPLOYMENT IS TERMINATED AS THE RESULT OF
24 IMPLEMENTATION OF A COOPERATIVE EDUCATION PROGRAM SHALL BE
25 EMPLOYED, IF POSSIBLE, BY THE ADMINISTERING DISTRICT IN THE COOPERATIVE
26 EDUCATION PROGRAM.

1 (2) AN EMPLOYEE WHO HAS EMPLOYMENT RIGHTS UNDER SUBSECTION
2 (1) SHALL HAVE SENIORITY AND THOSE RIGHTS THAT ACCRUE BASED ON
3 SENIORITY IN THE ADMINISTERING DISTRICT. THESE SENIORITY RIGHTS
4 SHALL BE DETERMINED UNDER THE APPROPRIATE COLLECTIVE BARGAINING
5 AGREEMENT OF THE ADMINISTERING DISTRICT OR, IF SUCH AN AGREEMENT
6 DOES NOT EXIST, UNDER THAT DISTRICT'S STANDARDS FOR SENIORITY.
7 THESE SENIORITY RIGHTS SHALL BE GRANTED AS IF THE EMPLOYEE WERE
8 EMPLOYED ORIGINALLY BY THE ADMINISTERING DISTRICT. THIS SUBSEC-
9 TION DOES NOT PROHIBIT MODIFICATION OF SENIORITY IN ANY SUCCESSOR
10 AGREEMENT CONSISTENT WITH THE PARTIES' OBLIGATIONS UNDER ACT
11 NO. 336 OF THE PUBLIC ACTS OF 1947, BEING SECTIONS 423.201 TO
12 423.216 OF THE MICHIGAN COMPILED LAWS.

13 (3) IF THERE ARE NOT SUFFICIENT VACANCIES IN THE COOPERATIVE
14 EDUCATION PROGRAM TO PROVIDE A POSITION TO EACH EMPLOYEE WHO IS
15 GIVEN EMPLOYMENT RIGHTS PURSUANT TO THIS SECTION, LAYOFFS MAY
16 OCCUR UNDER THE APPROPRIATE COLLECTIVE BARGAINING AGREEMENT OF
17 THE ADMINISTERING DISTRICT OR, IF SUCH AN AGREEMENT DOES NOT
18 EXIST, UNDER THE STANDARDS OF THE ADMINISTERING DISTRICT.

19 (4) AN EMPLOYEE OF A COOPERATING DISTRICT WHO IS ON LAYOFF
20 ON JUNE 1 OF THE SCHOOL YEAR IMMEDIATELY PRECEDING THE EFFECTIVE
21 DATE OF THE COOPERATIVE EDUCATION PROGRAM SHALL NOT DISPLACE AN
22 ACTIVE EMPLOYEE IN ANY COOPERATING DISTRICT. HOWEVER, A TENURED
23 TEACHER WHO IS GRANTED EMPLOYMENT RIGHTS PURSUANT TO THIS SECTION
24 MAY REPLACE A PROBATIONARY TEACHER WHO IS EMPLOYED IN A POSITION
25 FOR WHICH THE TENURED TEACHER IS CERTIFIED. A DISTRICT SHALL NOT
26 LAY OFF OR RECALL EMPLOYEES TO CIRCUMVENT THE PROTECTIONS
27 PROVIDED BY THIS SUBSECTION.

1 (5) IF AN EMPLOYEE IS LAID OFF AS THE RESULT OF
2 IMPLEMENTATION OF A COOPERATIVE EDUCATION PLAN, THAT EMPLOYEE
3 RETAINS SENIORITY AND THOSE RIGHTS BASED ON SENIORITY IN THE
4 COOPERATING DISTRICT IN WHICH THE EMPLOYEE WAS ORIGINALLY
5 EMPLOYED.

6 (6) UNLESS MODIFIED BY A COLLECTIVE BARGAINING AGREEMENT, A
7 PERSON EMPLOYED UNDER THIS SECTION IS ENTITLED TO ALL RIGHTS AND
8 BENEFITS TO WHICH THE PERSON OTHERWISE WOULD BE ENTITLED HAD THE
9 PERSON BEEN EMPLOYED ORIGINALLY BY THE DISTRICT TO WHICH HIS OR
10 HER EMPLOYMENT RIGHTS ATTACH.

11 (7) A PERSON EMPLOYED UNDER THIS SECTION IS ENTITLED TO ALL
12 RIGHTS AND BENEFITS PROVIDED BY ACT NO. 4 OF THE PUBLIC ACTS OF
13 THE EXTRA SESSION OF 1937, BEING SECTIONS 38.71 TO 38.191 OF THE
14 MICHIGAN COMPILED LAWS, TO WHICH THE PERSON WOULD HAVE BEEN ENTI-
15 TLED IF THE PERSON HAD BEEN EMPLOYED ORIGINALLY BY THE DISTRICT
16 TO WHICH HE OR SHE TRANSFERRED, INCLUDING TENURE STATUS.

17 SEC. 1610D. (1) NOT LATER THAN 4 MONTHS BEFORE THE EFFEC-
18 TIVE DATE OF A COOPERATIVE EDUCATION PROGRAM, THE ADMINISTERING
19 DISTRICT SHALL IDENTIFY THOSE EMPLOYEES OF THE COOPERATING DIS-
20 TRICTS WHO SHALL OBTAIN EMPLOYMENT RIGHTS IN THE ADMINISTERING
21 DISTRICT PURSUANT TO SECTION 1610C.

22 (2) EMPLOYEES OF THE COOPERATING DISTRICTS WHO ATTAIN
23 EMPLOYMENT RIGHTS PURSUANT TO SECTION 1610C SHALL ALSO BE CONSID-
24 ERED EMPLOYEES OF THE ADMINISTERING DISTRICT 4 MONTHS BEFORE THE
25 EFFECTIVE DATE OF THE COOPERATIVE EDUCATION PROGRAM.

26 SEC. 1610E. A QUESTION AS TO THE APPROPRIATE COLLECTIVE
27 BARGAINING REPRESENTATIVE OR UNIT COMPOSITION INVOLVING EMPLOYEES

1 OF THE ADMINISTERING DISTRICT OR OTHER COOPERATING DISTRICTS TO
2 WHICH EMPLOYEES HAVE TRANSFERRED PURSUANT TO THIS PART SHALL BE
3 FILED WITH THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION PURSUANT
4 TO ITS RULES. IF A QUESTION IS FILED WITHIN 60 DAYS AFTER THE
5 STATE BOARD APPROVES THE COOPERATIVE EDUCATION PLAN AND A HEARING
6 IS NECESSARY, THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION, PUR-
7 SUANT TO ACT NO. 336 OF THE PUBLIC ACTS OF 1947, BEING
8 SECTIONS 423.201 TO 423.216 OF THE MICHIGAN COMPILED LAWS, SHALL
9 HOLD THE HEARING WITHIN 30 DAYS AFTER THE DATE OF THE FILING AND
10 SHALL ISSUE A DECISION WITHIN 30 DAYS AFTER THE DATE OF THE
11 HEARING. IF THE COMMISSION DETERMINES THAT AN ELECTION MUST BE
12 HELD, THE ELECTION SHALL BE HELD WITHIN 30 DAYS AFTER THE ISSU-
13 ANCE OF THE ORDER TO HOLD THE ELECTION.

14 SEC. 1610F. (1) UPON DISSOLUTION OF A COOPERATIVE EDUCATION
15 PROGRAM, AN EMPLOYEE OF THE ADMINISTERING DISTRICT WHO IS LAID
16 OFF OR WHOSE EMPLOYMENT IS TERMINATED AS THE RESULT OF THE PRO-
17 GRAM DISSOLUTION SHALL HAVE A RIGHT TO EMPLOYMENT BASED ON
18 SENIORITY AND THOSE RIGHTS THAT ACCRUE BASED ON EMPLOYMENT IN ANY
19 DISTRICT THAT ACCEPTS ALL OR A PART OF THE DISCONTINUED PROGRAM.

20 (2) AN EMPLOYEE WHO HAS EMPLOYMENT RIGHTS UNDER SUBSECTION
21 (1) RETAINS SENIORITY AND OTHER EMPLOYMENT RIGHTS IN THE ADMINIS-
22 TERING DISTRICT AND HAS SENIORITY AND THOSE RIGHTS THAT ACCRUE
23 BASED ON SENIORITY IN ANY DISTRICT THAT ACCEPTS ALL OR A PART OF
24 THE DISCONTINUED PROGRAM. THESE SENIORITY RIGHTS SHALL BE DETER-
25 MINED UNDER THE APPROPRIATE COLLECTIVE BARGAINING AGREEMENT OF
26 THAT DISTRICT OR, IF SUCH AN AGREEMENT DOES NOT EXIST, UNDER THAT
27 DISTRICT'S STANDARDS FOR SENIORITY. THESE SENIORITY RIGHTS SHALL

1 BE GRANTED AS IF THE EMPLOYEE WERE EMPLOYED ORIGINALLY BY THAT
2 DISTRICT. THIS SUBSECTION DOES NOT PROHIBIT MODIFICATION OF
3 SENIORITY IN ANY SUCCESSOR AGREEMENT CONSISTENT WITH THE PARTIES'
4 OBLIGATIONS UNDER ACT NO. 336 OF THE PUBLIC ACTS OF 1947, BEING
5 SECTIONS 423.201 TO 423.216 OF THE MICHIGAN COMPILED LAWS.

6 (3) AN EMPLOYEE OF THE ADMINISTERING DISTRICT WHO IS ON
7 LAYOFF ON JUNE 1 OF THE SCHOOL YEAR IMMEDIATELY PRECEDING THE
8 DISSOLUTION OF THE COOPERATIVE EDUCATION PROGRAM SHALL NOT DIS-
9 PLACE AN ACTIVE EMPLOYEE IN A DISTRICT THAT ACCEPTS ALL OR A PART
10 OF THE DISCONTINUED PROGRAM. HOWEVER, A TENURED TEACHER WHO IS
11 GRANTED EMPLOYMENT RIGHTS PURSUANT TO THIS SECTION MAY REPLACE A
12 PROBATIONARY TEACHER WHO IS EMPLOYED IN A POSITION FOR WHICH THE
13 TENURED TEACHER IS CERTIFIED. A DISTRICT SHALL NOT LAY OFF OR
14 RECALL EMPLOYEES TO CIRCUMVENT THE PROTECTIONS PROVIDED BY THIS
15 SUBSECTION.

16 (4) UPON ACCEPTANCE OF A POSITION WITH A DISTRICT THAT
17 ACCEPTS ALL OR PART OF THE DISCONTINUED PROGRAM, AN EMPLOYEE'S
18 EMPLOYMENT RIGHTS IN ALL OTHER DISTRICTS TERMINATE.

19 (5) UNLESS MODIFIED BY A COLLECTIVE BARGAINING AGREEMENT, A
20 PERSON EMPLOYED UNDER THIS SECTION IS ENTITLED TO ALL RIGHTS AND
21 BENEFITS TO WHICH THE PERSON OTHERWISE WOULD BE ENTITLED HAD THE
22 PERSON BEEN EMPLOYED ORIGINALLY BY THE DISTRICT TO WHICH HE OR
23 SHE TRANSFERRED.

24 SEC. 1610G. A COOPERATIVE EDUCATION PROGRAM THAT EXISTS ON
25 THE EFFECTIVE DATE OF THIS PART SHALL COMPLY WITH THIS PART NOT
26 LATER THAN JULY 1, 1990.

1 SEC. 1610H. THIS PART IS IN ADDITION TO AND IS NOT INTENDED
2 TO SUPERSEDE ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF
3 1967, BEING SECTIONS 124.531 TO 124.536 OF THE MICHIGAN COMPILED
4 LAWS.

5 SEC. 1610I. THE STATE BOARD SHALL PROMULGATE RULES TO
6 IMPLEMENT THIS PART.