

NO BARGAINING ON SCHOOL CALENDAR; HEARINGS FOR CALENDAR/LABOR DAY WAIVERS

Phone: (517) 373-8080
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House Bills 5193 & 5194, as introduced
Sponsor: Rep. Daniela R. Garcia
Committee: Education
Complete to 2-3-16

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

SUMMARY:

House Bill 5193 would amend the Revised School Code by:

- Requiring a public hearing before a proposed year-round school or program may apply to the state for a waiver from the requirement that all schools within an intermediate school district (ISD) must use a common school calendar;
- Requiring a public hearing before a proposed year-round school or program may apply to the state for a waiver in order to allow that a school district, ISD, and public school academy (charter school) to begin the school year before Labor Day; and
- Describing the instances under which a school must be granted a waiver from the common school calendar requirement and the post-Labor Day start requirement, as a true year-round school or program.
- Removing two sections added to the Code in 2007 which allowed then-existing collectively bargained school calendars to run their course even if they did not comply with new sections then being inserted in the Code requiring common calendars and post-Labor Day starts.

House Bill 5194 would amend the Public Employment Relations Act (PERA)—Public Act 336 of 1947—so that the school year calendar and schedule could not be among the topics subject to collective bargaining between a public school employer and a bargaining representative of its employees.

Both bills would take effect 90 days after enactment.

House Bill 5193

Common School Calendar Waiver

Public hearing required

Under the code, an ISD and its constituent districts must adopt a common school calendar with designated school breaks, with which all must comply. Currently, if a school district or ISD begins operating a year-round school or program, it may apply for a waiver from the common calendar requirement. House Bill 5193 instead requires that before applying for the waiver, the board of the school district or ISD must hold at least one public hearing to discuss the proposed alternative school calendar and whether or not to apply for the waiver.

When waiver must be granted

The bill also adds a requirement that the state superintendent of public instruction must consider a school as a true year-round school or program and grant a waiver from the common school calendar requirement if the school meets any of the following criteria:

- Is on the same calendar as an institution of higher education and shares facilities, faculty, or courses with the higher education institution.
- Operates on a school calendar that includes a summer break that is not greater than eight weeks for the first two school years beginning after the date of the application and is not greater than six weeks for subsequent school years.
- Is among the lowest-achieving 5% of all public schools in the state,¹ selects a model that requires increased learning time as a condition of reform, and has received a waiver of the common school calendar requirement.
- Has adopted a plan used by or similar to a plan used by other schools or programs to conduct an extended school calendar, such as 45 days on and 15 days off, 60 days on and 20 days off, 60 days on and 15 days off, or 90 days on and 30 days off.
- Operates on a true trimester schedule, as determined by the superintendent of public instruction according to standards developed by the superintendent.

Post- Labor Day Start Requirement Waiver

Public hearing required

Current law allows a school district, ISD, or charter school which begins operating a year-round school or program to apply for a waiver from the requirement that the school year begin after Labor Day. House Bill 5193 instead requires that the school, ISD, or charter school hold at least one public hearing to discuss the proposed alternative school calendar and whether or not to apply for the waiver.

When waiver must be granted

Additionally, the bill lists virtually the same criteria for when a school or program must be granted a waiver from the Labor Day requirement as for the school calendar requirement (listed above), the sole difference being the substitution of "waiver of the post-Labor Day start requirement" for "waiver of the common school calendar requirement."

MCL 380.1284a and 1284b

House Bill 5194

Section 15 of the Public Employment Relations Act (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. As noted earlier,

¹ Beginning in 2010, the superintendent of public instruction must publish a list of these lowest-performing schools by September 1. MCL 380.1280c(1)

House Bill 5194 would add the calendar and schedule for the school year to the list of prohibited topics for collective bargaining.

MCL 423.215

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.

Legislative Analyst: Jennifer McInerney
Fiscal Analyst: Bethany Wicksall
Samuel Christensen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.