

## NO BARGAINING ON SCHOOL CALENDAR

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**House Bill 5194 (reported from committee w/o amendment)**

**Sponsor: Rep. Daniela R. Garcia**

**Committee: Education**

**Complete to 3-3-16**

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

**BRIEF SUMMARY:** 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. 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:** House Bill 5194 removes the calendar from topics subject to collective bargaining, allows the creation of a calendar to be a school board and administration decision. The bill sponsor argues that this will provide stability and certainty regarding the school calendar for students and parents.

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

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, 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

### **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 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 point of bargaining. Just because superintendents want more power at the bargaining table, and for their bargaining adversaries to have fewer possible demands, does not justify a bill of this kind. 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, 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. The bill's sponsor stated that "[t]his discussion should be centered around our children's education and not be used as a bargaining chip by adults." However, removing the voices of the teachers who instruct those children does not guarantee a better education for children; it is more likely to have the opposite effect, as teachers feel unappreciated and unrepresented by the school districts they serve.

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 Jenison Public Schools testified in support of the bill. (2-4-16)

A representative of Grand Rapids Public Schools testified in support of the bill. (2-4-16)

The Michigan Association of School Administrators supports the bill. (2-4-16)

The West Michigan Talent Triangle supports the bill. (2-11-16)

The Michigan Association of Intermediate School Administrators supports the bill. (2-11-16)

The Great Lakes Education Project supports the bill. (2-11-16)

Wayne County Regional Educational Service Agency supports the bill. (2-11-16)

The Traverse City Chamber opposes the bill. (2-11-16)

The American Federation of Teachers opposes the bill. (2-11-16)

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